SENATE.

SATURDAY, *August 19, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PENSACOLA NAVY YARD.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy transmitting, in response to a resolution of the 27th ultimo, certain information relative to the issuance of orders respecting the navy yard at Pensacola, Fla., and also the work done at that navy yard within the last two fiscal years, etc., which was referred to the Committee on Naval Affairs and ordered to be printed. (S. Doc. No. 103.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3253) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building.

The message further announced that the House insists upon its amendment to the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPARKMAN, Mr. TAYLOR of Alabama, and Mr. LAWRENCE managers at the conference on the part of the House.

The message also announced that the President of the United States, having returned to the House of Representatives, in which it originated, the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, with his objections thereto, the House had proceeded, in pursuance of the Constitution, to reconsider the bill and resolved that it do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3253. An act to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River;

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building; and

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Torrington, Conn., and a memorial of Local Division No. 2, Ancient Order of Hibernians, of Wallingford, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. BRISTOW presented an affidavit in support of the bill (S. 2966) granting an increase of pension to Lucy E. Culp, which was referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BACON:

A bill (S. 3266) for the relief of the trustees of the First Baptist Church of Rome, Ga.; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 3267) granting an increase of pension to Elizabeth Otis; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3268) granting a pension to Frances A. Beard;

A bill (S. 3269) granting an increase of pension to Othello A. Sherman;

A bill (S. 3270) granting an increase of pension to Richard Burnside;

A bill (S. 3271) granting an increase of pension to Alfred T. Seaman; and

A bill (S. 3272) granting an increase of pension to Alva M. Cunningham (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSTON of Alabama (for Mr. PAYNTER):

A bill (S. 3273) for the relief of Charles Sharp; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 3274) granting an increase of pension to Jamerson S. Tweed; to the Committee on Pensions.

Mr. SIMMONS. Mr. President, a few days ago I introduced a bill, being S. 3229, granting an increase of pension to Robert B. Courts. I find there is a mistake in the bill, and I ask to withdraw it and introduce in lieu thereof the bill which I send to the desk.

The VICE PRESIDENT. Without objection, the former bill is withdrawn, and the Senator from North Carolina, without objection, introduces a bill, the title of which will be read.

The bill (S. 3275) granting a pension to Robert B. Courts, was read twice by its title and referred to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3277) for the relief of Pinkie West, administratrix of the estate of J. J. West, deceased (with accompanying papers); to the Committee on Claims.

A bill (S. 3278) granting an increase of pension to Perry C. Quinn (with accompanying paper);

A bill (S. 3279) granting an increase of pension to Joseph B. Ehrenman (with accompanying paper);

A bill (S. 3280) granting an increase of pension to John Stone (with accompanying paper);

A bill (S. 3281) granting an increase of pension to James Enloe;

A bill (S. 3282) granting an increase of pension to Catherine R. Rice;

A bill (S. 3283) granting an increase of pension to Christopher S. Alvord;

A bill (S. 3284) granting an increase of pension to Thomas W. Gardner;

A bill (S. 3285) granting an increase of pension to James A. Love;

A bill (S. 3286) granting a pension to Thomas Kelley; and

A bill (S. 3287) granting a pension to George Treece; to the Committee on Pensions.

By Mr. CURTIS:

A joint resolution (S. J. Res. 58) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1911, on the 23d day of said month; to the Committee on Appropriations.

TRAVELING EXPENSES OF CERTAIN EMPLOYEES.

Mr. HEYBURN. I offer the following resolution and ask for its present consideration.

The resolution (S. Res. 142) was read, as follows:

Resolved, That the traveling expenses of one clerk, stenographer, or other employee of the Senate accompanying each Senator to his home State in connection with his official duties during the recess of Congress is hereby authorized; the same to be paid out of the contingent fund of the Senate, until otherwise provided by law, upon vouchers approved by the Senator with whom such person is employed.

Mr. SMOOT. I should like to ask the Senator from Idaho if there has not already been a joint resolution passed——

The VICE PRESIDENT. The Chair thinks that under the statute the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Yes.

Mr. HEYBURN. I have had an estimate made. It involves a very small amount—probably two or three thousand dollars—but it is something we should do. It merely provides for the traveling expenses of one of the force of a Senator, and I think it solves a vexed question. We can not have joint action in the matter.

Mr. SMOOT. Is the Senator sure that the House is not going to concur in the action of the Senate in passing the joint resolution?

Mr. HEYBURN. I am. That is, I am as sure as we can be sure of such things. I have made inquiry. I only hoped that they would.

Mr. SMOOT. I think, however, under the rule the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Under the statute, as the Chair recollects it, the resolution must go to that committee.

Mr. HEYBURN. Let it go to the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

COTTON CROP STATISTICS.

Mr. SMITH of South Carolina. Mr. President, I introduced a resolution (S. Res. 140) yesterday in reference to the cotton crop report, and it was referred to the Committee on Agriculture and Forestry. I should like to state that after conference with the proper authorities we think the matter has been satisfactorily arranged, and therefore I will not press the resolution further.

FREE LIST AND WOOL BILLS (S. DOCS. NOS. 102 AND 101).

Mr. SMOOT. I ask unanimous consent that the free-list bill, together with the veto message of the President thereon, and also the wool bill and the veto message of the President of the United States thereon, be printed separately as Senate documents.

There being no objection, the orders were reduced to writing and agreed to, as follows:

Ordered, That the special message of the President of the United States returning without approval H. R. 4413, "An act to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles," together with the bill as passed by Congress, be printed as a Senate document.

Ordered, That the special message of the President of the United States returning without approval H. R. 11019, "An act to reduce the duties on wool and manufactures of wool," together with the bill as passed by Congress, be printed as a Senate document.

CHUGACH FOREST LANDS IN ALASKA.

Mr. POINDEXTER submitted the following concurrent resolution (S. Con. Res. 9), which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 77, "Chugach National Forest Lands in Alaska," parts 1 and 2, message from the President of the United States in response to Senate resolution of June 27, 1911, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

WILLIAM W. HORNE.

Mr. BACON submitted the following resolution (S. Res. 143), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to continue in the service of the Senate, in addition to the present force, William W. Horne as assistant engrossing and enrolling clerk, at a compensation at the rate he is now receiving, to be paid from the contingent fund of the Senate until otherwise provided by law.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 18, 1911:

S. 1785. An act to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies.

On August 19, 1911:

S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me., also for the sale of the site and ruins of the former post-office building;

S. 3052. An act granting leave to certain homesteaders; and

S. 306. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia.

LOANS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The morning business is closed, and the calendar is in order under Rule VIII.

The bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia was announced as first in order on the calendar.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. CURTIS. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate proceed to the consideration of the bill, the objection of the Senator from Idaho to the contrary notwithstanding. The question is on the motion of the Senator from Kansas.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The Secretary will report the pending amendment.

The SECRETARY. The pending amendment is the amendment of the Committee on the District of Columbia—the third amendment of the committee, found at the bottom of page 6. On page 6, line 24, afer the word "person," the committee report to insert the following proviso:

Provided, That any person contracting, directly or indirectly, for, or receiving a greater rate of interest than that fixed in this act, shall forfeit all interest so contracted for or received; and in addition thereto shall forfeit to the borrower a sum of money, to be deducted from the amount due for principal, equal to one-fourth of the principal sum: *And provided further*, That any person in the employ of the Government violating any of the provisions of this act shall forfeit his office or position, and be removed from the same.

The VICE PRESIDENT. Without objection, the amendment is agreed to. No objection is heard. This is the last committee amendment.

Mr. CURTIS. In view of an objection that was urged against the bill, I offer the following amendment to come in at the end of section 1.

The VICE PRESIDENT. The Senator from Kansas offers an amendment, which the Secretary will report.

The SECRETARY. Add at the end of section 1, page 2, line 17, following the words "District of Columbia," the following proviso:

Provided, That nothing herein shall be construed so as to prevent any individual from loaning his own money at a rate of interest not to exceed 10 per cent per annum.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. HEYBURN. There was some confusion; I will ask that the amendment be read again.

The VICE PRESIDENT. The Secretary will again read the amendment. The Senate will please be in order.

The Secretary read as follows:

Provided, That nothing herein shall be construed so as to prevent any individual from loaning his own money—

Mr. HEYBURN. Just there—that should not be limited to the personal pronoun "his." Money is loaned by others than men. It should say "any person," and then the language should be adjusted.

Mr. CURTIS. I beg pardon; I did not hear the Senator.

Mr. HEYBURN. The language should be so adjusted as to include persons of either sex, and should not use the personal pronoun "his."

Mr. CURTIS. I have no objection to that modification of the amendment.

Mr. BURTON. There was some confusion. I ask unanimous consent that the amendment be again read.

The VICE PRESIDENT. Without objection, the Secretary will again read the amendment.

The Secretary again read Mr. CURTIS's amendment.

Mr. HEYBURN. It is not sufficiently definite to eliminate the objection that was urged on the former occasion in regard to the license. The amendment should go further and say that no license shall be required of persons loaning their own money.

Mr. CURTIS. I am perfectly willing to accept that modification.

Mr. HEYBURN. I will ask that the amendment be amended by adding "that no person shall be required"——

Mr. CURTIS. That no such person.

Mr. HEYBURN. Yes; "that no such person shall be required to obtain a license for engaging in such business." I think that would probably fit in there. Let us see how the proviso now reads.

The VICE PRESIDENT. The Secretary will read the amendment as it has been modified.

The SECRETARY. As thus amended, it would read:

Provided, That nothing herein shall be construed so as to prevent any individual from loaning the money of such individual at a rate of interest not to exceed 10 per cent per annum, and no such person shall be required to obtain a license for engaging in such business.

Mr. HEYBURN. The language is not very smooth.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified. If there is no objection, the amendment as modified is agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I wish to know if the RECORD shows that I voted against the passage of the bill.

The VICE PRESIDENT. The RECORD will show the statement now made by the Senator.

Mr. HEYBURN. That I voted? I voted "no."

The VICE PRESIDENT. It will show that the Senator stated that he voted "no." Of course, it would require the statement for the RECORD to show on a viva voce vote.

ANNIE M. MATTHEWS.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of the bill (H. R. 11545) to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, it was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to place on the pension roll of the police and firemen's pension fund the name of Annie M. Matthews, mother of Hugh C. Matthews, late private, Metropolitan police force of the District of Columbia, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT TO GEN. GEORGE ROGERS CLARK.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 1327) to provide for the selection and purchase of a site for and erection of a monument or memorial to the memory of Gen. George Rogers Clark.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Library with amendments.

The first amendment was, in section 1, page 2, line 10, after the name "George Rogers Clark," to strike out "subject to the approval of Congress," so as to make the section read:

That William H. Taft, Theodore Roosevelt, John M. Harlan, CHAMP CLARK, and Thomas R. Marshall be, and they are hereby, created a commission to be known as the Clark Monument or Memorial Commission to select and procure a location at some point in Jefferson County, Ky., and to select a plan and design for a monument or memorial to be erected in said county to the memory of Gen. George Rogers Clark.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 19, after the word "upon," to strike out "and approved by Congress," so as to read:

That this construction shall be entered upon as speedily as practicable after the plan and design therefor is determined upon, and shall be prosecuted to completion under the direction of said commission.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 23, before the word "thousand," to strike out "three hundred" and insert "one hundred and fifty," so as to read:

And the Secretary of War, under a contract hereby authorized to be entered into by said Secretary in a total sum not exceeding $150,000.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. HEYBURN. Mr. President, has the amendment reducing the amount of the appropriation for this purpose been considered and agreed to? That is a stingy sum for the purpose of erecting a monument for George Rogers Clark.

Mr. SMOOT. The committee agreed upon the amount of $150,000, instead of $300,000, and reported favorably for that amount. They thought that a monument could be erected for that sum.

Mr. HEYBURN. It can be if you will erect a little monument such as I have seen sometimes; but I think the committee fail to comprehend the dignity of the services of this man in his age and time. I am sorry they felt called upon to diminish the sum. They should have increased it rather than diminished it.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

CLAIMS OF SETTLERS IN SHERMAN COUNTY, OREG.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment.

Mr. BURTON. I should like to ask the nature of those claims?

Mr. BOURNE. They are claims that were ascertained by the Secretary of the Interior, under the direction of Congress.

Mr. BURTON. What is their nature?

Mr. BOURNE. Their nature is this: In 1864 the United States made a grant of land to the Northern Pacific Railroad Co. in aid of the construction of a railroad. Three years later, in 1867, the United States made a grant of lands to the State of Oregon in aid of the construction of a military wagon road, and this grant was conveyed by the State to The Dalles Military Wagon Road Co. These two grants overlapped in Sherman County, Oreg.

The Northern Pacific Co. did not build the line, as contemplated, through Sherman County, and in 1890 Congress passed an act declaring the grant forfeited in certain portions, including that portion known as the overlap.

This forfeiture having been declared, the Department of the Interior declared the lands open to entry, holding that the grant in aid of a military wagon road never attached to that portion of the land included in the overlap. The settlers whose claims are now before Congress went upon the lands, built homes, improved their property, and complied generally with the homestead laws.

Litigation between settlers and the Eastern Oregon Land Co., successor to the wagon road company, ensued, and after years of uncertainty the United States Supreme Court decided in favor of the grant.

Mr. BURTON. Which grant?

Mr. BOURNE. The wagon road grant.

These settlers, who had relied upon the order of the Secretary of the Interior restoring these lands to entry, were therefore either ousted entirely or compelled to protect themselves by purchasing title from the land company. Their claim is based upon the fact that they were misled by the action of the Department of the Interior in declaring these lands subject to entry.

As stated in the letter which the Secretary of the Interior recently addressed to the Committee on Claims, the question as to relief for these settlers has heretofore been considered by Congress, and the Senate Committee on Public Lands has made two reports thereon, known as Senate Document No. 8, Fifty-sixth Congress, second session, and Senate Document No. 240, Fifty-seventh Congress, first session. The first of these reports contains merely a list of the lands affected, date and number of entry, amount paid to the Government, name of entryman, date of cancellation, and so forth, all information evidently gathered from the records of the General Land Office. The second report contains a list of claimants, description of land, and so forth, and copies of affidavits.

In 1904 Congress passed an act directing an investigation of the claims of the settlers referred to, the object of the investigation being, as stated by Secretary of the Interior Hitchcock, "to gather such information as will form a basis for legislation for the relief of those who, misled by the erroneous action of this department in restoring lands the property of the wagon road company, went thereon, made valuable improvements," and so forth.

The investigation thus authorized was made by Special Agent T. B. Neuhausen, aided by the register and receiver of the local land office, and by conferences with Assistant Attorney Francis W. Clements, of the Interior Department, and James I. Parker, Chief of Lands and Railroads Division of the Department of the Interior, the latter two having been detailed for such service.

In conducting this investigation Mr. Neuhausen held public hearings, after giving adequate notice, and also personally visited and inspected a large portion of the lands and improvements. He also secured the assistance of three prominent and disinterested men familiar with the land, who aided in estimating values.

The thoroughness and reliability of this investigation is not only apparent from the records but is asserted in the letter of Secretary Ballinger to the Claims Committee under date of January 27, 1910.

I will say to the Senator that this bill was taken up and passed by the Senate under a favorable recommendation from the Committee on Claims at the last session.

Mr. BURTON. That is, the Senate passed a bill to reimburse these homesteaders?

Mr. BOURNE. Yes; subject to the report made through the Department of the Interior.

Mr. BURTON. Does this bill have the same reservation?

Mr. BOURNE. Absolutely. It is just the same bill that was passed by the Senate at its last session, except that an amendment is offered at this time still further restricting it, so that no assignees shall receive more than the amount that they actually paid on the assignment of the claims to them.

Mr. BURTON. With or without interest?

Mr. BOURNE. Without interest.

Mr. BURTON. It is a case, then, in which homesteaders went on the property supposing it to be the property of the United States?

Mr. BOURNE. On the invitation of the Secretary of the Interior, assuming that the Government had title to the land, but by a subsequent decision of the Supreme Court it was held that the title to this land was not in the Government, but was in The Dalles Military Wagon Road Co.

Mr. BURTON. Under a grant from the State of Oregon or from the United States?

Mr. BOURNE. A grant of the United States to the State of Oregon, and from the State of Oregon to the Military Wagon Road Co.

Mr. BURTON. Has this bill received the approval of the Interior Department?

Mr. BOURNE. So far as the facts are concerned it has; then it is left to the discretion of Congress. The report of the Interior Department is submitted in the report made by the committee.

Mr. BURTON. The report is silent, is it, upon the question of paying these parties?

Mr. BOURNE. They can not act upon that. The report states, however, that it is impossible to get any more reliable data than that which was secured through the efforts of the Interior Department.

Mr. BURTON. I take it these homesteaders were compelled to pay or else——

Mr. BOURNE. They were ousted, of course.

Mr. BURTON. They were included in this claim, and were compelled to pay this Wagon Road Co. their price?

Mr. BOURNE. Or get off the land; be ousted; yes, sir.

The VICE PRESIDENT. The Secretary will state the amendment reported by the committee.

The SECRETARY. In section 1, page 2, line 15, after the word "purchase," the committee propose an amendment to insert "*Provided further*, That no purchaser or assignee of any of said claims shall receive therefor a greater amount than was paid to the settler for his assignment," so as to make the section read:

That to adjust the claims of Harry Hill and other settlers, commonly known as the Sherman County settlers, on lands in Sherman and adjoining counties in the State of Oregon, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, said sum to be paid in such amounts and to such persons, their heirs or legal representatives, as are mentioned in the report made by Special Agent Thomas B. Neuhausen, of the Department of the Interior, under authority of the act of Congress approved February 26, 1904 (33 Stats., p. 51), as embodied in pages 22 to 35, inclusive, of House document No. 36, Fifty-eighth Congress, third session; the amount to be paid to each settler, his heirs or legal representatives, being the value of the land settled on by each, respectively, together with the value of the improvements erected by each, respectively, where such improvements were not sold or removed by the settler: *Provided, however*, That in those cases where the settler purchased land from The Dalles Military Road Co., or its successors, the amount to be paid to such settler, his heirs or legal representatives, shall be the amount so paid by him as consideration in his said purchase: *Provided further*, That no purchaser or assignee of any of said claims shall receive therefor a greater amount than was paid to the settler for his assignment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MONUMENT TO GEN. WILLIAM CAMPBELL.

Mr. MARTIN of Virginia. I ask unanimous consent for the present consideration of the bill (S. 1098) for the erection of a monument to the memory of Gen. William Campbell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 to erect in the town of Abingdon, Va., a statue to the memory of Gen. William Campbell and comrades, and provides that a suitable inscription shall be made thereon, under the direction of the Secretary of War, to the memory of Gen. William Campbell and the heroes of the Battle of Kings Mountain, which destroyed one wing of the British Army and largely contributed to the defeat and surrender of Lord Cornwallis at Yorktown; and the Secretary of War is empowered to select a site for the statue authorized by this act on the ground belonging to the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIWASSEE RIVER BRIDGE AT CHARLESTON, TENN.

Mr. TAYLOR. I ask unanimous consent for the present consideration of the bill (H. R. 7263) to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the While, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE AT NYSSA, OREG.

Mr. HEYBURN. Mr. President, there is a bridge bill which I should like to have passed. It will take but a moment. I ask unanimous consent for the present consideration of the bill (H. R. 7690) to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAINTENANCE OF ILLEGITIMATE CHILDREN IN THE DISTRICT.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill (S. 2792) to provide for the support and maintenance of bastards in the District of Columbia.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, I think that bill had better go over. That first clause in it would seem to me to make it impossible to consider that bill.

The VICE PRESIDENT. Objection is made.

PERSONAL EXPLANATION.

Mr. LA FOLLETTE obtained the floor.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. LA FOLLETTE. I yield if the Senator from Alabama desires to offer some bill for consideration.

Mr. BANKHEAD. Mr. President, I desire to rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Alabama will state it.

Mr. BANKHEAD. Mr. President, the Washington Times yesterday printed an editorial headed "Democratic treachery in the Senate." I do not intend to ask the Secretary to read the editorial because I do not want to pollute the RECORD. In the same issue of the Times appears an article which purports to give the proceedings in the Democratic conference held for the purpose of reaching an agreement as to legislative procedure. I am going to ask the Secretary to read the paragraph which I have marked.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). There being no objection, the Secretary will read the article.

The Secretary read as follows:

[From the Washington Times, Friday, Aug. 18, 1911.]

Senator BANKHEAD took the view that Leader UNDERWOOD in the House did not want the insurgent-Democratic program carried out and did not want steel revision linked to cotton as proposed by the insurgent-Democratic alliance. A committee went to see UNDERWOOD, and found that, on the contrary, UNDERWOOD was willing to have the arrangement carried out.

Mr. BANKHEAD. Mr. President, the paragraph just read contains exactly the opposite of what I said and the position that I took in the conference. I stated unhesitatingly to my Democratic colleagues that I favored a revision of the cotton schedule, and that I favored the steel schedule as it had been presented as an amendment to the cotton bill. I stated further that I had had a conference with Mr. UNDERWOOD, and that he had requested me to say to the Democratic conference that he had no objection whatever to placing the steel schedule on the cotton bill, or any other schedule that they desired to put upon it which would revise the tariff schedules downward. He said he had no objection, but, on the contrary, he would be delighted if such a course should be pursued.

I should not make reference to this article if it were not for the fact that it puts me in the attitude of misrepresenting to the conference Mr. UNDERWOOD'S views. So far as I know, or am advised, no committee waited upon Mr. UNDERWOOD for the purpose of obtaining his views. I went to him as his personal friend of 20 years' standing. I have always enjoyed his friendship and his confidence, and I knew that when I went to him for his real, true position on this question he would give it to me. I went voluntarily, without any action on the part of the caucus and without the knowledge of the conference, so far as I know.

I thought I owed it to myself, that I owed it to Mr. UNDERWOOD, and that I owed it to Senators who were not present in that conference to state what was my attitude and what really happened.

PROPOSED DEPARTMENT OF PUBLIC HEALTH.

Mr. OWEN. I ask to have printed in the RECORD a letter from Mr. B. O. Flower, defending himself against some comments I made in the Senate some time ago.

Mr. Flower has been very active in the progressive movement and I have great respect for him, although I think he is grossly misled in his opposition to a department of health.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

EDITORIAL DEPARTMENT
THE TWENTIETH CENTURY MAGAZINE,
Boston, Mass., August 15 1911.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OWEN: In your address delivered in the Senate on June 23 on "Race Conservation" you quoted an editorial atack on the National League for Medical Freedom which appeared in Collier's Weekly, and which contained some matter relative to myself, as president of the league, that was clearly misleading in character and calculated to injure me and the league. Not believing that you would intentionally give publicity to matter of this character calculated to discredit me, I earnestly request that you place the following statement in the RECORD:

In 1889 I founded the Arena and became its sole editor, and have since that time devoted my whole energies to literary work and the furtherance, so far as lay in my power, of the principles of fundamental democracy and social justice, while resolutely battling against all forms of privilege and oppressive monopoly; and during this time I have not invested in nor have I received a dollar from any proprietary medicine or drug interest. Again, in regard to the effort of Collier's to injure me by attacking a relative, I would say that I have not had any business connections with the party in question for 20 years, nor has he at any time been even remotely connected with the league. More than this, long before the National League for Medical Freedom was thought of, no relative of mine, to the best of my knowledge, was engaged in or had any interest in any proprietary medicine business. Furthermore, my position in regard to proprietary medicines has been outspoken and unequivocal. I have urged that the people have a right to know what they are taking and that the contents of the bottles should be published on the wrappers, with heavy penalties for any misstatements of facts; that if medicines containing poisons or habit-forming drugs should be permitted to be placed on the market, they should be compelled to carry poison labels stating the name and exact amount of the drug contained in each package. On the subject of pure-food laws I think there are few editors in the land who have more persistently and aggressively fought for pure-food legislation than have I. In the Arena, the Twentieth Century, and elsewhere my voice has always been raised on the side of pure food. Again, the implication that though I am the responsible president or head of the league I am ignorant of the sources of our financial or other aids is naturally enough very obnoxious to me, because it indicates that I have recklessly made affidavits in regard to matters about which I have no personal knowledge, and also that I am a figurehead rather than an active and responsible officer, while as a matter of fact I, together with every other director of the league, have given careful personal attention to all the grave questions with which it has had to grapple. I know of no body of men who have shown a greater realization of the duty and responsibility of their position than have all of our directors, and it has been our custom to bring up all matters of importance and have them thoroughly discussed and decided upon before any action has been taken. In one of our earliest meetings it was unanimously agreed that the league would under no circumstances receive financial or other aid from manufacturers of proprietary medicines. Moreover, my position insisting on the publication of the formulæ of proprietary medicines alone would naturally have prevented our receiving assistance from this quarter, even had the league taken no united stand in regard to the question; while the claim that the league ever favored, directly or indirectly, the adulterators of food, is also wholly without foundation.

Had I been less intimately associated with the transactions of our league and the position of our directors in regard to these things I should not have presumed to take the positive stand which I have. Hence, naturally enough, I feel keenly the implications which call in question my sworn statements touching the position of the league in regard to both proprietary medicines and pure food.

Respectfully, yours,
B. O. FLOWER.

PROTECTION OF TRADE AND COMMERCE.

Mr. LA FOLLETTE. I introduce a bill which I ask may be read at length.

The bill (S. 3276) to further protect trade and commerce against unlawful restraints and monopolies was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," is hereby amended by adding thereto the following:

"SEC. 9. Wherever in any suit or proceeding, civil or criminal, brought under or involving the provisions of this act, it shall appear that any contract, combination in the form of trust or otherwise, or conspiracy was entered into, existed, or exists, which was or is in any respect or to any extent in restraint of trade or commerce among the several States or with foreign nations, the burden of proof to establish the reasonableness of such restraint shall be upon the party who contends that said restraint of trade is reasonable.

"SEC. 10. Whenever in any suit or proceeding, civil or criminal, brought under or involving the provisions of this act it shall appear that any contract, combination in the form of trust or otherwise, or conspiracy was entered into, existed, or exists, which was or is in any respect or to any extent in restraint of trade or commerce among the several States or with foreign nations, such restraint shall be conclusively deemed to have been or to be unreasonable and in violation of the provisions of this act as to any party thereto—

"A. Who in carrying on any business to which such contract, combination, or conspiracy relates or in connection therewith;

"(*a*) As the vendor, lessor, licensor, or bailor of any article attempts to restrain or prevent in any manner, either directly or indirectly, any vendee, lessee, licensee, or bailee from purchasing, leasing, licensing, or obtaining such article, or any other article from some other person, or using such article or any other article obtained from some other person, whether such attempt (first) be made by an agreement or provision, express or implied, against such purchase, lease, license, or use, or (second) be made by a condition in the sale, lease, license, or bailment against such purchase, lease, license, or use, or (third) be made by imposing any restriction upon the use of the article as sold, leased, licensed, or bailed, or (fourth) be made by making in the price, rental, or license, any discrimination based upon whether the vendee, lessee, licensee, or bailee purchases, hires, or becomes a licensee of, or uses any article made, sold, licensed, leased, or furnished by some other person, or (fifth) be made in any other manner except in ordinary solicitation of trade;

"(*b*) As the vendor, lessor, licensor, or bailor of any article attempts to prevent or restrain competition by making in the price, rental, or royalty, or other terms of any such sale, lease, license, or bailment any discrimination based upon whether the vendee, lessee, licensee, or bailee purchases, leases, licenses, or takes on bailment from him articles of a particular quantity or aggregate price;

"(*c*) As the vendor, lessor, licensor, or bailor of any article attempts to prevent or restrain competition either by refusing to supply to any other person requesting the same any article sold, leased, licensed, bailed, or otherwise dealt in or furnished by him, or by consenting to supply the same only upon terms or conditions in some respect less favorable than are accorded to any other person;

"(*d*) As the vendor, lessor, licensor, or bailor of any article attempts to prevent or restrain competition by supplying or offering to supply to any person or persons doing business in any particular territory articles sold, leased, licensed, bailed, or otherwise dealt in or furnished by him, upon terms or conditions in any respect more favorable than are accorded by him to his other customers;

"(*e*) As the vendor, lessor, licensor, or bailor of any article attempts to restrain or prevent competition by making any contract or arrangement under which he shall not sell, lease, or license any article in which he deals to certain persons or class of persons, or to those doing business within certain districts or territory;

"(*f*) As the vendor, lessor, licensor, or bailor of any article attempts to prevent or restrain competition by the use of any unfair or oppressive methods of competition; or

"B. Who has been sentenced, or who controls or is controlled by or is a member of or forms a part of any corporation or association which has been sentenced under the act to regulate commerce, approved February 4, 1887, or any amendment thereof, for any act or thing relating to any trade or business affected by such restraint done or occurring after this act goes into effect.

"The foregoing enumeration of acts, conduct, methods, and devices which it is herein declared shall each conclusively be deemed unreasonable does not include, and shall not be construed to exclude or as intended to exclude, any other acts, conduct, methods, or devices which are or may be unreasonable.

"The provisions of clause (*a*) of this section shall not apply to any case where the vendor, lessor, licensor, or bailor of any machine, tool, implement, or appliance protected by lawful patent rights vested in such vendor, lessor, licensor, or bailor requires the purchaser, lessee, licensee, or bailee to purchase or hire from him component or constituent parts of such machine, tool, implement, or appliance which such vendee, lessee, licensee, or bailee may thereafter acquire during the continuance of such patent right, nor shall any of the provisions of this section apply to the mere appointment of sole agents to sell, lease, license, bail, or furnish any article.

"SEC. 11. Whenever in any suit or proceeding, civil or criminal, brought under or involving the provisions of this act, it shall appear that any contract, combination in the form of trust or otherwise, or conspiracy was entered into, existed, or exists which was or is in any respect or to any extent in restraint of trade or commerce among the several States or with foreign nations, there shall at once arise a rebuttable presumption that such restraint was or is unreasonable—

"(*a*) If in the business in connection with which said restraint of trade existed or exists, the person or persons engaged in such contract, combination, or conspiracy controlled or controls, or is a part of any corporation or association which controlled or controls at the time such restraint is alleged to have existed or to exist, more than 40 per cent in value of the total quantity sold in the United States, or more than 40 per cent in value of the total quantity sold in the part of district of the United States to which the business of such person, corporation, or association extends, of any article dealt in by such person, the trade in which is affected by such restraint.

"(*b*) If the vendor, lessor, licensor, or bailor of any article with a view to preventing competition fixes an unreasonably high price upon any article which enters into the manufacture of an article which is used in producing any other article sold, leased, licensed, bailed, or otherwise furnished by him, the trade in which is affected by such restraint.

"SEC. 12. Whenever in any suit or proceeding, civil or criminal, brought by or on behalf of the Government under the provisions of this act a final judgment or decree shall have been rendered to the effect that a defendant in violation of the provisions of this act has entered into a contract, combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, or has monopolized or attempted to monopolize or combined with any person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations, the existence of such illegal contract, combination, or conspiracy in restraint of trade or of such attempt or conspiracy to monopolize, shall to the full extent to which the facts and issues of fact or law were litigated and to the full extent to which such fact, judgment, or decree would constitute in any other proceeding an estoppel as between the Government and such person, constitute as against such defendant conclusive evidence of the same facts and be conclusive as to the same issues of law in favor of any other party in any other proceeding brought under or involving the provisions of this act.

"SEC. 13. In any civil proceeding begun under this act by the United States or the Attorney General or any district attorney thereof in which a judgment or decree interlocutory or final has been entered that the defendants, or any of them, have been guilty of conduct prohibited by section 1, section 2, or section 3 of this act, if it shall appear to the court by intervening petition of any other person or persons that such person or persons claims to have been injured by such conduct, such person or persons shall be admitted as a party to the suit to

establish such injury, if any, and the damages resulting therefrom, and such person or persons may have judgment and execution therefor or any other relief to the same extent as if an independent suit had been brought under section 7 of this act. In the course of such proceeding the court may grant orders of attachment or may appoint a receiver or may take such other proceeding conformable to the usual practices in equity as to insure the satisfaction of any claim so presented and the protection of the petitioners' rights. Nothing done under this section shall be permitted to delay the final disposition of said principal proceeding in all other respects, and nothing contained in this section shall be taken to abridge the right of any person or persons to bring a separate and independent suit as provided in section 7 of this act; but if any person proceeds both by intervening petition and by independent suit the court may order an election.

"SEC. 14. Such intervening petition or an original suit for the same cause under section 7 of this act shall not be barred by lapse of time, if begun within three years after final decree or judgment entered either in a civil or in a criminal proceeding brought by the United States or the Attorney General or any district attorney thereof establishing such violation by the defendant or defendants of section 1, section 2, or section 3: *Provided*, That the claim on which such intervening petition or original suit is founded was not already so barred at the time of the passage of this act."

The VICE PRESIDENT. Does the Senator desire a reference of the bill now?

Mr. LA FOLLETTE. I desire to speak on the bill, and then I shall ask that it be referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE. Will the Senator from Wisconsin yield to me for a question?

Mr. LA FOLLETTE. Certainly.

Mr. BRANDEGEE. I desire to ask the Senator if the bill is already in print? The Secretary seemed to be reading from a printed copy.

Mr. LA FOLLETTE. I obtained from the Printing Office a few copies as a committee print.

Mr. BRANDEGEE. But there are none for distribution at present?

Mr. LA FOLLETTE. If the Senator will send a page to my committee room, I think he will be able to get one.

Mr. BRANDEGEE. I should like to get one in order to be able to follow the Senator as he makes his address.

Mr. LA FOLLETTE. Mr. President, the Sherman Act was the product of the best statesmanship of the time. The Senate at that day ranked with the Senate in the best days of its entire history. Senator Sherman, in whose brain was conceived the first idea of antitrust legislation, in an able and eloquent speech in the Senate on the subject, said:

Associated enterprise and capital are not satisfied with partnerships and corporations competing with each other, and have invented a form of combination commonly called "trusts," that seek to avoid competition by combining the controlling corporations, partnerships, and individuals engaged in the same business, and placing the power and property of the combination under the government of a few individuals, and often under the control of a single man called a trustee, a chairman, or president. The sole object of such a combination is to make competition impossible. It can control the market, raise or lower prices as will best promote its selfish interest, reduce prices in a particular locality and break down competition, and advance prices at will where competition does not exist. Its governing motive is to increase the profits of the parties composing it. The law of selfishness, uncontrolled by competition, compels it to disregard the interest of the consumer. It dictates terms to transportation companies. It commands the price of labor without fear of strikes, for in its field it allows no competitors. Such a combination is far more dangerous than any heretofore invented, and when it embraces the great body of all the corporations engaged in a particular industry in all the States of the Union, it tends to advance the price to the consumer of any article produced. It is a substantial monopoly, injurious to the public, and, by the rule of both the common law and the civil law, is null and void and the just subject of restraint by the courts; the forfeiture of corporate rights and privileges in some cases should be denounced as crime, and the individuals engaged in it should be punished as criminals. It is this kind of a combination we have to deal with now. If the concentrated powers of this combination are intrusted to a single man it is a kingly prerogative inconsistent with our form of government, and should be subject to the strong resistance of the State and national authorities. If we will not endure a king as a political power, we should not endure a king over the production, transportation, and sale of any of the necessaries of life. If we would not submit to an emperor, we should not submit to an autocrat of trade with power to prevent competition and to fix the price of any commodity. If the combination is confined to a State, the State should apply the remedy. If it is interstate and controls any production in many States, Congress must apply the remedy. If the combination affects interstate transportation or is aided in any way by a transportation company, it falls clearly within the power of Congress, and the remedy should be aimed at the corporations embraced in it, and should be swift and sure.

Mr. President, I make that quotation from the man who gave his name to the antitrust law in order to remind Senators today of the conditions which confronted the Senate at the time of its enactment. We have spent nearly the entire session on the tariff and so-called reciprocity; but after all there is no subject which is so important, which underlies so completely present-day ills which beset the country, as that to which Senator Sherman addressed the Senate on that March day 21 years ago.

It was considered and debated for some weeks. Then the whole subject was referred to the Judiciary Committee, which reported back a substitute that finally was enacted into law. Serving on that committee, Mr. President, were men whose names and services will always be honored and remembered. They have had equals in other periods of the Senate's history, but I think at no time was the average strength and power and professional standing of the Judiciary Committee higher than at the time of the consideration of this important legislation.

When that bill was reported from the Judiciary Committee a great debate ensued. It lasted for months. But, sir, so perfectly was the legislation framed that throughout the protracted debate it was impossible for those who assailed the bill to change it in any respect, and finally it passed the Senate without any modification whatever, exactly in the form in which it came from the Senate Judiciary Committee.

It went to the House of Representatives and was referred to the Judiciary Committee of that body. I was a Member of the House at that time and well remember that Representative Culberson, the father of the senior Senator from Texas [Mr. CULBERSON], one of the ablest lawyers who ever served in the House of Representatives, was accorded the honor of reporting that bill to the House of Representatives.

It was reported without amendment and debated at considerable length. I recall that Representative William McKinley, as chairman of the Committee on Rules, reported to the House the rule under which that bill was given right of way for immediate consideration. The strongest lawyers in that body took part in the debate.

Finally, Mr. President, it passed and went to President Harrison for consideration. He approved it on the 2d of July, 1890. The bill as approved by the President is exactly in the form in which it was reported from the Judiciary Committee of the Senate.

Now, Mr. President, without detaining the Senate to read them, I wish to incorporate in my remarks some extracts from the debates of that time, giving the estimate of the ablest lawyers upon the importance and character of the Sherman law as enacted.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Leave will be granted if there be no objection. The Chair hears none.

The matter referred to is as follows:

In the great debate that followed, the principle embodied in the proposed bill received the support of many of the ablest Senators of that time. I quote briefly from Senator Turpie, of Indiana, who said:

The purpose of the bill of the Senator from Ohio is to nullify agreements and obligations of the trusts—of these fraudulent combinations. I favor it. There is another purpose—to give to parties injured civil remedy in damages for injury inflicted. I am in favor of that. Those are the two principal measures embraced in that bill. I am willing to go much further, and I think Senators generally will, also. There can be no objection to the proposition to nullify trust contracts. There can be no objection to giving a civil remedy for those injured thereby, and there ought to be still less objection to punishing penally those who are guilty of these fraudulent combinations.

The moment we denounce these trusts penally, the moment we declare these fraudulent trusts, combinations, party conspiracies, to be felonies or misdemeanors, that moment the courts are bound to carry out the intention of the purpose of the legislation, and then to favor that purpose and intention that the will of the people may prevail and not perish. I have no doubt that when this law comes into practical operation it will receive a construction and definition very useful to us. It will be aided by courts and juries. It will be aided by advocates on both sides in stating different views of construction, and, above all, it will be supported and upheld by the public opinion expressed in a denunciation of those evils which this kind of legislation would avert and avoid.

Senator Edmunds of Vermont, chairman of the Judiciary Committee, made an extended argument, from which I quote:

I am in favor of the scheme, in its fundamental desire and motive—most heartily in favor of it—directed to the breaking up of great monopolies which get hold of the whole or some parts of particular business in the country, and are enabled therefore to command everybody, laborer, consumer, producer, and everybody else, as the Sugar Trust and the Oil Trust. I am in favor, most earnestly in favor, of doing anything that the Constitution of the United States has given Congress power to do, to repress, break up, and destroy forever monopolies of that character; because in the long run, however seductive they may appear in lowering prices to the consumer for the time being, all human experience and all human philosophy has proved that they are destructive of the public welfare and come to be tyrannies, grinding tyrannies.

Mr. Ezra B. Taylor of Ohio, chairman of the Judiciary Committee, supported the bill in a strong speech, from which the following is quoted:

I am opposed to trusts, foreign or domestic; they toil not, neither do they spin, and yet they accumulate their numberless millions from the toil of others. They lay burdens, but bear none. The Beef Trust fixes arbitrarily the price of cattle, from which there is no appeal, for there is no other market. The farmers get from one-third to one-half the farm value of their cattle, and yet beef is as costly as ever. Even if the conscience of the retailer is touched, and he reduces his price, the trust steps on him and refuses to sell to him, but undersells him until he is ruined. This monster robs the farmer on the one hand, and the consumer on the other. This bill proposed to destroy such

monopolies, such destructive tyrants, and goes as far in that direction as Congress has power to go under the Constitution. It describes and condemns the wrong, fixes the penalty, both civil and criminal, and gives the United States courts new jurisdiction. It is clearly drawn, is practical, and will prove efficacious and valuable.

Mr. Stuart of Vermont, closing the debate in the House, said:

The provisions of this trust bill are just as broad, sweeping, and explicit as the English language can make them to express the power of Congress on this subject under the Constitution of the United States.

Mr. LA FOLLETTE. But summing it all up, Mr. President, 21 years ago Congress enacted a law that clothed the Department of Justice with the largest power that could be conferred under the Constitution to deal with trusts and combinations organized in restraint of trade.

It placed in the hands of the executive department of this great Government the strongest and most perfect weapon which the ingenuity of man could forge for the protection of the people of this country against the power and sordid greed of monopoly. Sir, I believe that it will be the impartial verdict of history that an honest and faithful effort to enforce the antitrust law would have freed the trade and commerce of our country from the blighting curse of a system which has been promoted to destroy equal opportunity in every department of business and concentrate in the hands of the criminal violators of the law wealth and power so great as to control the industrial and commercial life of the American people and finally dominate with almost unlimited power every department of government.

At that time there were but few trusts and combinations in existence. Anthracite coal was the oldest and strongest of all, and is to-day the strongest of all except that organization which has been builded up in recent years to control the credits and finances of the country. At that time the Standard Oil, Beef, and Sugar Trusts were in existence, and there were others of less importance. But you could number on the fingers of two hands the great organizations powerful enough to suppress and strangle competition and control prices at that time. It is to the everlasting credit, sir, of the statesmanship of that day that it foresaw and forecast the evils that would flow from trust control if it were not checked and suppressed by all the power which the Constitution of this country authorized Congress to confer upon the administrative department of Government.

So the administration of President Harrison on the 2d of July, 1890, was clothed with the power to destroy at the very outset organizations designed to impose upon the people of this country industrial and commercial servitude.

How was the law enforced by the Harrison administration? During the almost three years of President Harrison's administration under this act there were seven prosecutions begun by the Government. Four of those prosecutions utterly failed. One of them, an unimportant one, was successful in that administration largely because the violation of the act had been so flagrant that no other result was possible. Another one, the first case against organized labor, was won in the succeeding administration, and the fourth case was also lost in the succeeding administration.

An examination of the reports of the Attorney General of the Harrison administration makes it pretty clear that he did not take early notice nor have a full conception of the conditions or of the importance of vigorous prosecution of those who were then violating the law which had been passed by Congress.

The Attorney General of the Harrison administration, had he taken any note of the great debate which occurred in this body and in the House of Representatives, must have been impressed with the responsibility of his office and his duty to enforce the law.

Mr. President, the ills that have fallen upon the people of this country and the greatest of all problems which now confront us, have grown in magnitude until it is a serious question whether these combinations are not more powerful than government. That great problem would not have been committed, with all its complications, to the people of this day and generation if the Attorneys General, the Department of Justice, and the United States district attorneys of the country had efficiently administered the law enacted 21 years ago.

I pause in passing to say that the fault must be borne in part by the Senate of the United States; for, let it be remembered, sir, that the influence of Senators who have power to confirm or reject is exerted upon every President in the appointment of Attorneys General, Federal judges, and United States district attorneys.

President Harrison was succeeded by the Cleveland administration. During that administration 10 cases were prosecuted by the Government under the Sherman Act. Three of those cases came over from the preceding administration, two of which were against trusts, and one against organized labor. Four of the seven cases instituted under the Cleveland administration were against organized labor; and three were against trusts and combinations. The four cases against organized labor grew out of the railway strikes of 1894, and were prosecuted vigorously and successfully by Attorney General Olney. Only one failed, and that case would not have failed excepting that the jury disagreed. The case against organized labor that came over from the Harrison administration was successful. Of the five cases against trusts and combinations four failed in the lower courts, but two of them were won during McKinley's administration. One was successful in Cleveland's administration, and that was the Trans-Missouri case which was ably presented by Attorney General Harmon and has become important in the history of the Sherman Act and its administration by the courts.

It succeeded in the United States Supreme Court by the vote of one judge, five members of that court sustaining the Government's contention and four members supporting the contention made by the railroads. The decision of the court in the Trans-Missouri case was reversed in the recent decision of the Standard Oil case.

I wish briefly to call attention to the reports of the Attorneys General under the Cleveland, as I have to those under the Harrison, administration. There were two Attorneys General under the Cleveland administration. From March, 1893, to March, 1897, Richard Olney, of Massachusetts, was Attorney General. He was succeeded by Judson Harmon, who remained until the close of the Cleveland régime.

I have spoken of the Harrison administration and the attitude of the Attorney General toward this legislation just as fairly and as impartially as the record justifies. Now, I contend that no one can examine the reports of Attorney General Olney under the Cleveland administration without being convinced that his mental attitude indicated an entire lack of sympathy with, if not hostility to, the law and the objects sought to be attained in its enactment. Note this paragraph from his report in 1893:

There has been and probably still is a widespread impression that the aim and effect of this statute are to prohibit and prevent those aggregations of capital which are so common at the present day, and which are sometimes on so large a scale as to control practically all the branches of an extensive industry. It would not be useful, even if it were possible, to ascertain the precise purposes of the framers of the statute. It is sufficient to point out what small basis there is for the popular impression referred to.

In this day, Mr. President, when all production and every market place is under the control of combinations, that sounds like administrative nullification. Here was a law enacted by the wisest statesmen of their day, who had been chosen to make the laws for this great Nation. Looking out into the future they saw on the horizon this evil, not large then, but they saw its grave dangers to future generations. And they clothed the administrative branch of our Government with power ample to meet the problem then, if not now.

Mr. Olney retired from the office of Attorney General some time after the 4th of March, 1895, and Judson Harmon succeeded him in that office.

On the 7th of January, 1896, the House of Representatives, apparently dissatisfied with the administration of the law and alarmed at the rapid growth of trust control in business, passed a resolution calling on the Attorney General to report what steps, if any, had been taken to enforce the Sherman law.

Mr. OVERMAN. Will the Senator please give the date?

Mr. LA FOLLETTE. January 7, 1896, that resolution was passed by the House of Representatives.

Mr. OVERMAN. Will the Senator give me the date when Governor Harmon was appointed Attorney General?

Mr. LA FOLLETTE. Well, I can not give the Senator the exact date, but I can give it to him substantially. Olney's term as Attorney General began on the 4th of March, 1893. That was the beginning of the second term of the Cleveland administration.

Mr. OVERMAN. The first Cleveland administration began in 1885.

Mr. LA FOLLETTE. Olney was transferred from the Attorney General's office to the State Department in the spring—I can not give you the exact date, but in the spring of 1895. I am sure that he filled out two full years as Attorney General; and when he left the Attorney General's office Harmon succeeded him. Harmon had been Attorney General from the spring of 1895, and was Attorney General at the time of the passage of this resolution calling for a report as to what had been done toward the enforcement of the Sherman Act.

Mr. LEA. Mr. President, if the Senator from Wisconsin will yield for a moment——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. LA FOLLETTE. I do.

Mr. LEA. I will state that Harmon was appointed Attorney General on June 8, 1895.

Mr. LA FOLLETTE. On June 8, 1895. I thank the Senator from Tennessee for giving me the exact date. I knew it was some time during the early part of the third year of the second Cleveland administration.

The House of Representatives asked for something more than information as to what had been done up to that time. They wanted to know what, in the view of the Attorney General, was necessary in the way of additional legislation to eradicate the evil which menaced the market places and commercial freedom everywhere. The Attorney General, in response to that resolution, answered in this language:

Two actions are now pending based partly or wholly on alleged violations of what is known as the Sherman Act. They both relate to agreements among interstate carriers.

That sums up what that administration was doing at that time toward enforcing the Sherman law. In response to the inquiry for his opinion regarding additional legislation, Attorney General Harmon said:

Congress may make it unlawful to ship from one State to another in carrying out or attempting to carry out the designs of such organizations articles produced, owned, or controlled by them or any of their members or agents. * * * The law should contain a provision like that of the interstate-commerce law to prevent the refusal of witnesses to answer on the ground of self-incrimination. The purchase or combination of any firm or enterprises in different States which were competitive before such combination should be prima facie evidence of an attempt to monopolize. * * * If the Department of Justice is to conduct investigations of alleged violations of the present law, or of the law as it may be amended, it must be provided with a liberal appropriation and a force properly selected and organized. * * * But I respectfully submit that the general policy which has been hitherto pursued of confining this department very closely to court work is a wise one, and that the duty of detecting offenses and furnishing evidence thereof should be committed to some other department or bureau.

The last suggestion, Mr. President, I venture to say in the light of our time, is the only suggestion made by Attorney General Harmon that was significant or important, but is in contradiction with the express terms of the law which makes it "the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations."

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do.

Mr. POMERENE. In the interest of the history of this proposition, may I offer a suggestion or two at this point?

Mr. LA FOLLETTE. Certainly; I yield with pleasure.

Mr. POMERENE. Mr. President, at the time Attorney General Harmon assumed his duties as Attorney General, I think the cases to which the Senator has referred were pending.

The Senator from Wisconsin has referred to the trans-Missouri case. At the time that Judson Harmon became Attorney General this case was pending in the United States Supreme Court. It had been argued by the Republican Attorney General, Mr. Miller, in the United States circuit court, and the Government was defeated. An appeal was taken to the United States Circuit Court of Appeals, and the Government was again defeated, one of the judges dissenting.

The case was then taken to the Supreme Court of the United States, and nothing was done with the case until Judson Harmon became Attorney General. He took up that case; he briefed it and he argued it. The case was not decided until about March 21 or 27—I have forgotten the exact date—after his term had expired. Up to this time the opinions by the circuit courts were adverse to the Government.

There was one decision by the United States Supreme Court, which was in the sugar case. In that case the Supreme Court held that the statute had not been violated by reason of the fact that the main purpose of the combination was one for manufacturing and not one that involved interstate commerce; in other words, that interstate commerce was only an incident.

After Judson Harmon had taken hold of this case vigorously and his position for the first time was sustained by the Supreme Court by a divided bench, as the Senator has suggested, he directed two other cases to be begun, one against the Joint Traffic Association of New York, and that later was argued by his successors in office, and was later decided in favor of the Government. The other case was the Addyston Pipe Co. case, which was decided later.

Mr. LA FOLLETTE. Permit me to say to the Senator that I am covering the entire ground and reviewing the cases, and am giving as impartially as I can credit where it belongs. I simply did not want the Senator to anticipate me and compel me to go over the same ground again. That was all.

Mr. POMERENE. I am sure I have no desire to interfere, except that I understood the Senator was passing on to the succeeding administration, and for that reason I wanted these facts to appear in the RECORD.

Mr. LA FOLLETTE. I have covered the work of the Cleveland administration and that of Attorney General Harmon, and I think I have been entirely fair. It is true that he argued the Trans-Missouri case, and that it was decided for the Government. He argued the case. I would not in any way disparage his work. The case which he argued—the Trans-Missouri case—a very important one, was won in the Supreme Court when it had been lost in the court below.

The case in the Supreme Court was won by the Government by a majority of one on a vote of the court. The cases below had been lost by the Government. In the Court of Appeals the Government had one of the judges for its contention and two against it. Under the McKinley administration there were six prosecutions, of which three were inherited from the previous administration. The Government failed in two and was successful in four.

I am taking more time than I intended with this part of the discussion, and I must hasten. I shall ask leave of the Senate to incorporate in the RECORD in connection with my remarks everything that was said by the Attorneys General on the Sherman Act under all the administrations, so that the RECORD will show, in so far as their reports give it, just what their attitude was toward this act.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to follows as appendix.

Mr. LA FOLLETTE. Under the Harrison administration, the Cleveland administration, and the McKinley administration there were 16 cases prosecuted. Under the Roosevelt administration there were 44.

Without taking the time of the Senate now to go into the details of that administration, I shall ask leave to incorporate in what I say the discussion of the Sherman Act by the Attorneys General of that administration and the results of their prosecutions. A number of the cases that were begun under the Roosevelt administration have come over into the succeeding administration. But many more cases were instituted against these violators of law under the Roosevelt administration than under the administrations of his three predecessors in office, covering a period of 12 years. The time, Mr. President, when prosecutions were vital to the people of this country was at the inception of these great organizations, before they had grown to have such power everywhere—in municipal government, in State government, and indeed in all the departments of the National Government.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. Yes.

Mr. KENYON. I should like to inquire of the Senator from Wisconsin if he gave any figures as to the McKinley administration.

Mr. LA FOLLETTE. I did.

Mr. KENYON. Of civil actions or of criminal prosecutions?

Mr. LA FOLLETTE. Actions by the Government.

Mr. KENYON. Not differentiating as to whether they were civil or criminal?

Mr. LA FOLLETTE. No; actions by the Government.

Mr. KENYON. I think the Senator will find there were no criminal actions in the McKinley administration.

Mr. LA FOLLETTE. Perhaps that is true. But there were actions instituted by the Government, just as I have given them.

Mr. KENYON. Your remarks include both civil and criminal actions?

Mr. LA FOLLETTE. Yes. I am very certain of my data, I will say to the Senator, because I have gone over the record with very great care.

Mr. President, the Sherman Act has been sustained by the Supreme Court again and again just exactly as it was written in the beginning, until the decisions were rendered in the Standard Oil and Tobacco cases. In the trans-Mississippi case, upon which the court was divided 5 to 4, and in two other cases following, it was contended by the defendants that the act should be construed just as though the words "unreasonable or undue" had been written into the statute before the words "restraint of trade"; that is, their contention was that the court was bound to construe the act as though Congress had intended it to read:

Every contract, combination in the form of trust or otherwise, or conspiracy, in unreasonable or undue restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

That was the contention of the attorneys for the railroads in the trans-Missouri case. That was the issue exactly. That was the contenton of Mr. Justice White in his dissenting opinion. And Mr. Justice Peckham, who wrote the majority opinion, contended that the court ought not to "read into the act, by way of judicial legislation, an exception that is not placed there by the lawmaking branch of the Government."

Just note this brief extract from the opinion of Mr. Justice Peckham in that case. He says:

> The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances we are, therefore, asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act, by way of judicial legislation, an exception that is not placed there by the lawmaking branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it can not be supposed Congress intended the natural import of the language it used.

Now, mark what the court says:

> This we can not and ought not to do. If the act ought to read as contended by the defendants, Congress is the body to amend it, and not this court by a process of judicial legislation wholly unjustifiable.

Quoting a little further from the opinion, and only a few lines:

> When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress.

But, Mr. President, the Supreme Court, in the Standard Oil case, did write into the act that which Mr. Justice Peckham and the other members of the court constituting a majority decided that the court had no right to place there. I believe that the decision of the Supreme Court in the Standard Oil case incorporating into the Sherman act the word "unreasonable" came to the profession as a distinct shock.

I quote the language of a Federal judge in an article which recently appeared in the North American Review, commenting upon this decision:

> It would be mere hypocrisy to say that the court has not turned upon itself. What the court fourteen years ago said was not in the act the court now says is in the act. Meantime, not a letter of the act has been changed.

When the Supreme Court has spoken we must bow our heads and address ourselves to the law as we find it to-day; and so I say that we must read this law now as the Supreme Court has written it in the decision of the Standard Oil and Tobacco Co. cases. They have amended the Sherman Act. It matters not that Congress for the last 10 or 15 years has refused to write into the act these words. The court has construed the law as meaning "unreasonable" or "undue" restraint of trade. It is clearly a usurpation of power upon the part of the Supreme Court. As to the propriety of the amendment, there may be room, perhaps, for argument; but there is no question as to what branch of this Government should have made the amendment if it was to be made at all.

Mr. OWEN. Mr. President, can the Senator from Wisconsin point out the fact that Congress refused positively to make this amendment?

Mr. LA FOLLETTE. I may not have stated in so many words that that was the fact, but I understand it to be the history of the legislation.

Mr. OWEN. That is the fact. Congress refused most emphatically.

Mr. LA FOLLETTE. I think such a bill was introduced here in the United States Senate and was reported unfavorably from the Judiciary Committee.

Mr. OVERMAN. By the Senator from Minnesota [Mr. NELSON].

Mr. LA FOLLETTE. I think the Senator is correct, and that the report was submitted by the Senator from Minnesota [Mr. NELSON], on behalf of the Committee on the Judiciary, a year or 18 months ago.

Mr. OWEN. It was a report on that very point.

Mr. LA FOLLETTE. I remember it very well. It appears that when these great interests found that the representatives of the people, who under the Constitution are clothed with the lawmaking power, would not amend the law, the Supreme Court yielded finally to the arguments of the counsel for Standard Oil and injected into the law by judicial construction what the lawmaking branch of our Government had refused to incorporate in it by legislative enactment.

Mr. OWEN. I would suggest to the Senator that they yielded after the new members had been put on the court.

Mr. LA FOLLETTE. Of course, if the court had been composed of the same judges as when the trans-Missouri and the other two cases which followed it were decided the Standard Oil decision would have maintained the law in the form in which Congress enacted it.

Mr. OWEN. All the new members fell on that side of the line by some strange accident.

Mr. LA FOLLETTE. I believe that is historically true.

Mr. CLAPP. The accident?

Mr. LA FOLLETTE. No; the fact.

Mr. OWEN. I omitted the accidental portion.

Mr. BACON. I think it is a rather unfortunate suggestion, in view of the fact that the judgment was rendered by all except one member only. Why should the two members be selected when but one decided the other way?

Mr. OWEN. The reference does not relate to two members only. It goes back to the Missouri case and the judges who were put on since that time.

Mr. BACON. If it had been a close question, as in the income-taxe case, where it was decided by one majority, that might be a pertinent suggestion, but it was not a case where the court was divided that way.

Mr. OWEN. The more thoroughly it is examined the more pertinent the suggestion will appear.

Mr. LA FOLLETTE. Mr. President, I did not intend to discuss that phase of the decision. History will take care of that matter and do exact justice to the important events and the men who have part in them to-day. These great problems will be settled, and rightly settled, in good time.

I do not expect that there will be any legislative action at this session, but I am offering my bill now and addressing the Senate upon it in the hope of awakening interest and public discussion of its provisions in the interval between adjournment and the meeting of Congress in December. This is a subject which merits the most serious consideration of the American people, and I hope that the bill which I am offering here to-day may engage the attention of lawyers and of business men. I earnestly believe, Mr. President, that it is a step forward in the solution of this great question.

Mr. OVERMAN. I should like to ask the Senator as he goes along whether there could be such a thing as a reasonable restraint of trade?

Mr. LA FOLLETTE. Now, that the action of the Supreme Court must be accepted, I think the only way we can meet the situation is by writing into the law a rule of procedure for courts and a statutory guide for the business men of this country. I will come to that in just a moment, if the Senator will pardon me.

As the law now stands, as amended, the Supreme Court may exercise a power over the business interests of this country more despotic than any monarch of the civilized world over his subjects. To one corporation it may give its approval that the combinations which it has entered into in restraint of trade are reasonable. To another corporation it may say that the combinations which it has entered into are unreasonable; and in the infinite variety that attends upon all human conduct, the blending and shading of one set of circumstances or conditions into another, there will be no guide for the business world and no rule of law for the courts, no clearly defined line within which anyone may feel confident that the issues have been determined.

The President expressed in his message to Congress upon this subject the very great danger and confusion which would result from incorporating into the Sherman Act the words "unreasonable or undue." I want to remind Senators of the language of President Taft in his message of January 7, 1910, in discussing this very question as to whether these words should be incorporated in the act even by legislation. He regarded it as dangerous to legislate them into the act. He said:

> Many people conducting great businesses have cherished a hope and belief that in some way or other a line may be drawn between "good trusts" and "bad trusts," and that it is possible by amendment to the antitrust law to make a distinction under which good combinations may be permitted to organize, suppress competition, control prices, and do it all legally if only they do not abuse the power by taking too great profit out of the business. They point with force to certain notorious trusts as having grown into power through criminal methods by the use of illegal rebates and plain cheating, and by various acts utterly violative of business honesty and morality, and urge the establishment of some legal line of separation by which "criminal trusts" of this kind can be punished, and they, on the other hand, be permitted under the law to carry on their business. Now the public, and especially the business public, ought to rid themselves of the idea that such a distinction is practicable or can be introduced into the statute. Certainly under the present antitrust law no such distinction exists. It has been proposed, however, that the word "reasonable" should be made a part of the statute, and that then it should be left to the court to

say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to good judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

That was the view of the President January 7, 1910, on the very modification of the Sherman Act which the Supreme Court has worked into it by construction. After opposing the amendment by Congress for the very good reason stated by him, he now approves of the same amendment when made by the Supreme Court. In his speech at New Haven on June 21, 1911, speaking of the Standard Oil and Tobacco decisions, he said:

I believe those decisions have done and will continue to do great good to all the business of the country, and that they have laid down a line of distinction which it is not difficult for honest and intelligent business men to follow.

I do not know whether Senators get the full import of those words or not. The President gives no reason for the complete reversal of his view upon that question, but that is not important. I have quoted him only because in his message to Congress he correctly set forth the arbitrary and dangerous power which would be conferred upon the Supreme Court by the amendment, and in his New Haven speech he correctly set forth the conditions in which the business interests of the country find themselves.

He says that the law, as amended by the court, has made it largely a "question of fact and a question of conscience with the business community" as to the standard of their future action. That is, they are left without any rule of law to guide them. The business community is to be guided by "conscience" and not by law.

Mr. President, this is nothing more or less than the rule of conduct advocated by the philosophic anarchist, that we do not need any law or any statutory rule as a guide for conduct, but that conscience shall be the supreme judge for each individual. The bill that I have introduced furnishes a statutory guide to the business community and a rule of law to govern the courts in view of this decision which has changed the Sherman law.

Whatever may be said for or against the proposition, that every restraint of trade should be unlawful, it is manifestly for the legislative branch of the Government to declare what methods and practices shall be forbidden. This is purely a matter of legislation and the rule of conduct should be laid down by Congress and not left to the power of the Supreme Court to give or withhold its approval to a corporation according to its arbitrary will.

The bill which I have presented to the Senate to-day "to further protect trade and commerce" against unlawful restraints and monopolies is strictly a supplement and not an amendment to the Sherman antitrust law. It does not propose any alteration of the substantive provisions of the existing law as recently interpreted by the Supreme Court of the United States in the Standard Oil and Tobacco cases. It does not change a single word of the eight sections of which the Sherman antitrust law is now composed. It does not modify the rule of reasonableness enunciated by the court, but it makes that rule more certain and easier of application. It provides also effective means for securing compensation or other relief for those who have been injured by combinations or conspiracies which have been judicially declared illegal, and it otherwise greatly facilitates the enforcement of the law. In other words, this bill seeks to perfect the Sherman antitrust law by improving the machinery for the enforcement of its substantive provisions.

These perfecting provisions are included in six additional sections which, if enacted, will become sections 9 to 14 of the perfected Sherman antitrust law.

These perfecting provisions are of three classes:

The first deals with the burden of proof.

The second simplifies the application of the so-called rule of reason.

The third enables those injured by violations of the law to secure compensation or other relief.

THE BURDEN OF PROOF.

At present, when either the Government or an individual seeks to enforce the Sherman antitrust law, the burden of proof is upon the prosecutor or the plaintiff to establish not only the existence of a combination or conspiracy in restraint of trade, but also that the restraint is unreasonable. In criminal proceedings proof of these contentions must be made beyond reasonable doubt. This existing rule of procedure gives undue protection to combinations and conspiracies in restraint of trade. If such a combination or conspiracy is established, the burden of showing that it is not harmful, or, in other words, that it is reasonable, ought to be upon him who makes that contention. This bill therefore provides that whenever in any proceeding it shall appear that trade has been restrained by a combination or conspiracy the burden to show that it is reasonable restraint shall be upon the party who asserts it. Section 9, while recognizing absolutely the "rule of reason" enunciated by the court, thus declares a rule of common sense which is to prevail in applying the rule of reason.

APPLYING THE RULE OF REASON.

Certain practices commonly found in connection with combinations and conspiracies in restraint of trade have been recognized as necessarily harmful and as therefore making the restraint unreasonable wherever they are pursued. There are practices or certain conditions which do not necessarily render combinations or conspiracies in restraint of trade mischievous or unreasonable, but ordinarily do so. Section 10 enumerates certain of these practices which it has been demonstrated always render restraints unreasonable. Section 11 covers certain conditions or practices which presumptively, but not necessarily, render a combination or conspiracy in restraint of trade unreasonable. These sections, which practically codify what has been or what undoubtedly would be held to be the common law, are, of course, applicable only when the conspiracy in restraint of trade has already been proven.

Section 10 provides that all combinations or conspiracies in restraint of trade attended by unfair or oppressive methods are declared unreasonable. No one can doubt that such is now the common law. But section 10 does more than declare this rule. It undertakes to specify some of the usual practices which are unfair or oppressive. The first practice enumerated as making restraint unreasonable is that which has been widely used by certain trusts of suppressing competition by practically compelling customers to deal exclusively with the trust if they desire to take from the trust some essential article of which it has a monopoly. For instance, in the manufacture of a pair of shoes many different kinds of machines are used, and in every large shoe factory there are many machines of each kind. The United Shoe Machinery Co. has a practical monopoly of the essential shoe machines by leasing (instead of selling) its important machines and requiring its customers to use these essential machines only in connection with other machines controlled by the United Shoe Co. In this indirect way competing machines are excluded from the factory, even though superior and offered at a much lower price.

This practice of preventing the use of practically every competitive article is effected in a number of ways. Sometimes the use of the competitor's article is prohibited in terms. Sometimes the customer is left in terms free to use any competing machine, but the producer silently refuses to furnish the needed article to the customers if the latter takes any article dealt in by the competitor. Sometimes the customer is expressly given the freedom of purchasing from a competitor, but the discrimination in price or terms where that freedom is exercised is such as to make it impossible for the customer to deal partly with the trust and partly with the competitor.

Another practice enumerated as making unreasonable any combination or conspiracy in restraint of trade in connection with which it is pursued is the common arrangement by which manufacturers agree with one another to divide up territory or trade, so as to give to each monopoly of certain customers.

Another incident enumerated as making a combination or conspiracy in restraint of trade unreasonable deals with the subject of rebates or some other unjust discrimination from railroads. Section 10 declares that whenever it appears that trade has been restrained by a concern which is hereafter sentenced for obtaining an illegal rebate or discrimination the restraint exercised shall be deemed unreasonable.

Section 10, by enumerating these various mischievous practices, not only simplifies the task of applying the rule of reason in connection with the Sherman Antitrust Act, but it also furnishes definite instruction to the citizen and business man in advance as to what should be avoided. The practices enumerated, however, are merely instances of practices making restraint unreasonable, it being expressly provided that they do not exclude other practices, and undoubtedly from time to time additional practices, as developed, will be added by legislation to those enumerated in section 10.

I have no question, Mr. President, but that the adoption of the bill which I have proposed to-day would make it necessary from time to time to extend the definition which is laid down in the provisions of this proposed law, but I do think that a critical study of the bill as proposed will be found to cover practically all of the practices by which trusts and combinations unreasonably restrain trade at the present time.

Section 11, as stated, deals with certain other conditions and with practices which are apt to render combinations or conspiracies in restraint of trade unreasonable, but which do not necessarily have that effect. The section therefore makes the existence of such conditions or practices a rebuttable presumption of reasonableness. Thus, if a conspiracy or restraint of trade is established, the fact that those engaged in it control at least 40 per cent of the business in the market involved renders the restraint presumptively unreasonable; in other words, it is declared a legal probability that a control of 40 per cent of the product of any article in any market obtained through or as an incident of a combination or conspiracy in restraint of trade is unreasonable. But though that probability is given legal recognition, an opportunity is offered of establishing, if for some reason in this instance, the contrary is true.

REMEDY FOR THE INJURED.

The inadequacy of the present law is manifested most clearly in its failure either to afford compensation or to administer punishment, even though the violations of the act have been judicially established. The Standard Oil and Tobacco cases afford a signal illustration of this defect. Each of these industrial combinations has been the means by which hundreds of millions of dollars have been extorted from the public, and hundreds, probably thousands, of independent business concerns have been ruthlessly crushed. Not one of the consumers, not one of the producers or dealers, who fell a victim before the illegal practices of these trusts will be compensated as a result of the recent decisions. All the fruits of the illegal practices are left to the enjoyment of the rapacious officers or stockholders of these companies. No reparation is made for the past wrongs so profitably pursued. Obviously this is a complete failure of justice. Assuming that the decisions will be completely successful in preventing a recurrence of these wrongs, we are nevertheless confronted with the rank social injustice that there should be no remedy and no punishment for the past. As the wrongfulness of their acts and the illegality of the conspiracies have been judicially established, it ought to follow, under a proper judicial system, as a matter of course, that those who were injured thereby should receive compensation, and that so far as possible the wrongdoer should be obliged to disgorge profits wrongfully obtained.

Mr. President, I pause not to make a point of the absence of a quorum here, because I do not care to delay the Senate for a call of the roll, but I wish to note the fact that I am addressing many vacant seats. However, I shall conclude in a few moments, and then the absent Senators can return to the Chamber.

I am satisfied that what I am saying to-day is of interest to the people of this country, who are paying two and three prices for the necessaries of life. They pretty well understand that the increased cost of living arises from the fact that the market wherein we sell, as the market where we must buy, is controlled by the same people, and that it is in their power, without regard to production cost, to fix the price level as they please.

Mr. President, a generation ago a million free people shouldered their muskets and marched away under the flag to find death on the hillside and in the valley, in the prisons and in the whirlwind of the charge. For what? To free men physically—to strike off the shackles. When they come to understand—and they pretty well comprehend that now—that it is in the power of a very few men in this country to say what shall be paid for everything produced by their toil and what shall be paid for everything they must buy in order to live—when that works itself completely into the minds of the people of this country they will realize that that means servitude to those men who control markets—bondage as effectual as though they were owned as chattels. When that is once understood by 90,000,000 free men, they will liberate this market; you will hear not the tread of armed men going out to shoot to death oppression, but 10,000,000 free men, with their ballots in their hands, will bring government back to the people. If it is necessary to establish the initiative, the referendum, and the recall to make this Government truly representative, the people of this country have that power, and, as sure as God reigns, they will exercise it.

Within 24 hours in this Chamber, when the admission of Arizona was under discussion, Senators complained because the people of Arizona demanded these instruments of democracy. Why, Mr. President, the people of every State know that Government is not representative; they know it was established as a representative Government; that meant that the men chosen for service in the United States Senate, in the House of Representatives, and the various legislative assemblies of the States should represent faithfully the will of the people; they know that for three generations after it was established this Government was truly representative; they know that then corruption began to eat into its life.

And I believe they are beginning to understand, Mr. President, that although 21 years ago there was patriotism enough in the Congress of the United States to write the Sherman law on the statute books, that it has not been honestly and faithfully administered. They understand all about the decisions of the court; they understand all about the betrayal of their legislative representatives; they understand, sir, how administrative officers have, at the beck and the nod of these powerful interests, suppressed prosecutions and overlooked violations of the law.

Need anyone marvel that there is a great uprising throughout this country for a restoration of government to the people? It is their Government, and they do not purpose to see it destroyed. They demand the initiative, the referendum, and the recall in order to insure the perpetuity of representative government.

The men who made this Government and their children constitute the sovereign power of this country. They are greater than Congresses, greater than courts or statutes or constitutions. They made them, and they can unmake and make again. All they ask is to be faithfully represented. When the representative in the United States Senate, in the House of Representatives, in the State senate and assembly, in the common council of municipalities are faithful to the public interests the initiative, the referendum, and the recall will never be invoked.

Talk about the hasty judgment of the public! If there is a body of people in all this universe that is conservative, it is the great mass of the American people. It takes a long time, Mr. President, to prevail upon a majority of 90,000,000 people to think alike upon any proposition. It must be a sound proposition; it must be well grounded; it must appeal to their intelligence, to their conscience, or they will not move together as one man in its support. There need be no fear of ill-considered action. Put into their hands the power that is theirs and do it without unreasonable delay. Let the discussion be full and fair. They will be better ready to exercise it when it comes, and it will come, Mr. President. Organized wealth and power may delay, but it can not defeat it. This is a people's government—in theory and principle—and there is lodged in their hands the power to make it so in fact.

Mr. President, I apologize for this digression, occasioned by the lack of interest betrayed by the representatives of the people in this subject, which is so vitally important to those whom they represent.

I return to the discussion of the bill.

The present failure of justice in this respect is due mainly to two causes:

First. While every person injured by the Standard Oil or the Tobacco conspiracies has the right under the Sherman antitrust law to bring an action for damages, the expense of bringing such an action would ordinarily be prohibitive, because these companies would compel each plaintiff to prove over again the facts on which they were recently found to be guilty. And it will be borne in mind that the testimony in the Standard Oil case alone filled 24 printed volumes. A right in the individual of recovery, which would permit the company to raise again a question which has been settled against it by final judgment in a proceeding instituted by the Government, is clearly a substantial denial of right of recovery. Obviously, under any proper system for administering the law, when once a concern has been declared to have violated the antitrust law in a proceeding in which the Government, which represents all persons except the defendant, was a party, the issue ought to be deemed definitely settled for all purposes and for all times.

Second. Even if the circumstances were such as would justify an injured party in seeking compensation after these companies had been judicially found to have violated the law by Government proceeding, the private individual will probably find his claim barred, in whole or in part, by the statute of limitations, owing to the long period of time which necessarily elapses between the commencement of a proceeding by the Government to enforce the law, and the entry of final judgment.

The new bill undertakes to remedy this failure of justice—that is, to make the remedy of the individual more adequate and complete—through the following provisions:

Section 12 provides in substance that whenever in any proceeding instituted by the Government a final judgment is rendered to the effect that the defendant has entered into a combination or conspiracy in unreasonable restraint of trade, that finding shall be conclusive as against the defendant in any proceeding brought against him by any person or corporation. A person injured by the illegal combination, who brought suit for damages would, under the new bill, be relieved from proving the wrongfulness of the defendant's act. It would be neces-

sary for him to prove merely the amount of the loss which he had suffered by reason of the defendant's act—a comparatively simple matter.

Section 13 seeks to further facilitate the remedy of injured parties by enabling them to establish their claim for damages or to secure other appropriate relief in the same proceeding in which the Government obtained its final judgment. The right to file such a petition in the pending suit may often be a much simpler and less expensive course than to institute an independent suit, and it may result in a much swifter remedy by reason of the fact that the petition would come before a court which had already familiarized itself with the complicated facts involved in such litigation.

Section 14 removes the danger of the injured party losing his right to compensation through lapse of time, for it provides that a cause of action should not be barred if begun within three years after the entry of the final judgment declaring the law to have been violated.

A REAL DETERRENT.

The provisions above described would not only afford to the injured party an adequate remedy, but would also prove powerful as a deterrent to law breaking, for by every effective facility to those injured it would, in connection with the existing provisions of the Sherman Antitrust Act, under which treble damages, together with an allowance for counsel fees may be awarded, make real the financial punishment to the corporation for engaging in illegal practices. With such provisions and reasonable certainty that the Government would do its duty in enforcing the law, there would be an accounting to be rendered after a decision against the trust, which would make the conduct of its business and the holding of its securities in such a corporation extremely unprofitable. The facilities afforded to the community and to competitors for obtaining compensation for the injuries suffered are such that they would undoubtedly be widely availed of. If such were now the law, hundreds and possibly thousands of petitions would be filed at once in the courts in which the Standard Oil and Tobacco cases are now pending, which would consume a large part of those illegal profits which have been secured through defiance of the law. This provision becomes of increased importance by reason of the fact that the judicial insertion into the antitrust act of the word "unreasonable" has, from one point of view, greatly added to the difficulty of enforcing a criminal remedy against wrongdoers, it being contended by high authority that a person can not legally, or at all events properly, be punished criminally for a violation of the law when the rule of law to be observed was in itself uncertain.

APPENDIX.

[From annual reports of Attorneys General.]

W. H. H. MILLER, 1892, p. XIX.

Under the "Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, proceedings among others have been taken in the courts during the past year as follows:

In the district court of Massachusetts proceedings were instituted against a number of persons alleged to have combined for the purpose of monopolizing the trade or commerce among the several States under the name of The Distilling & Cattle Feeding Co. A special agent of the department spent many weeks hunting up the facts pertaining to the business of this concern, and those facts were, by the United States attorney in Boston, laid before the grand jury, and indictments were found against parties interested in the enterprise.

One of these indictments was quashed for insufficiency. Another indictment obtained is now pending in the circuit court, its sufficiency undetermined by that court, though in hearings had upon arrests made in Ohio and New York it was held that the facts set forth in the indictment, which it is believed are the facts as they will appear upon the proof, did not bring the case within the terms of the antitrust statute, or constitute a crime. Other indictments are also pending in that district upon which, among others, are presented questions as to the constitutionality of that statute.

Proceedings also have been commenced in the eastern district of Pennsylvania under the same law by bill in equity against parties alleged to have combined for the purpose of monopolizing the trade in refined sugars between the different States of the Union and the United States and foreign nations. In the last-named suit an answer has been filed, and the evidence is now being taken. For the purpose of assisting the United States attorney in Philadelphia in prosecuting the last-named suit, Hon. Samuel F. Phillips, of Washington, late Solicitor General of the United States, has been appointed as special counsel, and is actively engaged in the prosecution of said suit.

A suit has also recently been commenced in the Circuit Court of the Eastern District of Louisiana, in equity, against parties alleged to have combined, by threats, intimidation, and violence, to hinder and restrain interstate and foreign commerce in New Orleans and throughout the country, the purpose of said bill being to obtain an injunction against such illegal combination and conspiracy, and an order to show cause in the premises has been issued, returnable on the 26th of November, 1892.

Investigations have been made in reference to other alleged violations of this law by other alleged combinations of persons and corporations. As was to have been expected, it has been found, in all cases investigated, that great care and skill have been exercised in the formation and manipulation of these combinations so as to avoid the provisions of this statute, and, as has been seen in the proceedings growing out of the indictments in Massachusetts, these efforts have not been without success. It is hoped, however, that in the cases commenced the validity of this statute and its applicability to the abuses which have become very common in the business of the country, under the name of trusts, may be demonstrated. If so, the investigation made and the evidence accumulated in cases where no proceedings have been commenced, will be valuable.

RICHARD OLNEY, 1893, p. XXVI.

In the first place the subject matter upon which the statute operates and alone can operate is "any part of the trade or commerce among the several States or with foreign nations." There is, therefore, necessarily exempt from its provisions all that immense mass of contracts, dealings, and transactions which arise and are carried on wholly within State lines and are wholly within the jurisdiction of a State. On another ground, namely, that special and exclusive legislation has another ground, namely, that special and exclusive legislation has been enacted respecting them, railroad companies engaged in interstate transportation have been held not to be within the purview of the statute.

In the next place, the subject matter of the statute as thus limited is to be protected from (1) monopolies, (2) attempts to monopolize, (3) combinations or conspiracies to monopolize, and (4) contracts, combinations, or conspiracies, in form of trusts or otherwise, in restraint of trade or commerce. But as all ownership of property is of itself a monopoly, and as every business contract or transaction may be viewed as a combination which more or less restrains some part or kind of trade or commerce, any literal application of the provisions of the statute is out of the question. It is not surprising, therefore, that different judges who have been called upon to put a legal meaning upon the statute have found the task difficult and have generally contented themselves with deciding the case in hand without undertaking to construe the statute as a whole. To this there is one notable exception in a judgment given in the Circuit Court of the United States for the Southern District of Ohio, which deals with the statute thoroughly and comprehensively, and, coming from a judge who is now Associate Justice of the Supreme Court, must be regarded as entitled to the highest consideration. His conclusions, as briefly summarized, are: (1) That Congress can not limit the right of State corporations or of citizens in the acquisition, accumulation, and control of property; (2) that Congress can not prescribe the prices at which such property shall be sold by the owner, whether a corporation or individual; (3) that Congress can not make criminal the intents and purposes of persons in the acquisition and control of property which the States of their residence or creation sanction; (4) that "monopoly," as prohibited by the statute, means an exclusive right in one party coupled with a legal restriction or restraint upon some other party which prevents the latter from exercising or enjoying the same right; (5) and that contracts in restraint of trade and commerce as prohibited are contracts in general restraint thereof and such as would be void at common law independently of any statute.

This exposition of the statute has not so far been questioned by any court, and is to be accepted and acted upon until disapproved by a tribunal of last resort. In view of it the cases popularly supposed to be covered by the statute are almost without exception obviously not within its provisions, since to make them applicable not merely must capital be brought together and applied in large masses but the accumulation must be made by means which impose a legal disability upon others from engaging in the same trade or industry. Numerous suits under the statute, however, have already been brought—others may be—and it is manifest that questions of such gravity, both in themselves and in respect of the pecuniary interests involved, ought not to rest for their final determination upon the decision of a single judge, however forcible and weighty. I have therefore deemed it my duty to push for immediate hearing a case involving those questions, and unless prevented by some unforeseen obstacle shall endeavor to have it advanced for argument at the present term of the Supreme Court.

It should, perhaps, be added in this connection, as strikingly illustrating the perversion of a law from the real purpose of its authors, that in one case the combination of laborers known as a "strike" was held to be within the prohibition of the statute, and that in another rule 12 of the Brotherhood of Locomotive Engineers was declared to be in violation thereof. In the former case, in answer to the suggestion that the debates in Congress showed the statute had its origin in the evils of massed capital, the judge, while admitting the truth of the suggestion, said:

"The subject had so broadened in the minds of the legislators that the source of this evil was not regarded as material, and the evil in its intirety is dealt with. They made the interdiction include combinations of labor as well as of capital; in fact, all combinations in restraint of commerce, without reference to the character of the persons who enter into it."

RICHARD OLNEY, 1894, p. XXX.

In the last annual report reference was made to a case involving the meaning and effect of the act of July 2, 1890, which it was intended to push for immediate hearing in order that the grave and interesting questions raised might as soon as possible be passed upon by the Supreme Court. That case—relating to the "Sugar Trust," so called, and entitled United States *v.* Knight et al.—was docketed in the Supreme Court at the last term, but too late to be heard before the adjournment, and on motion to advance was set down for argument for October 10, and was actually argued October 24. It is believed that the decision of the court will be announced without any great delay.

JUDSON C. HARMON, 1895, p. XIII.

Among the cases of general interest decided since the last annual report of the Attorney General several deserve mention.

In United States *v.* E. C. Knight Co. (156 U. S., 1), which was referred to in the last report as having been argued and submitted, a construction was given to the Sherman antitrust law. It was held that the purchase of certain sugar refineries in the city of Philadelphia on behalf of the so-called "Sugar Trust" was not a violation of the provisions of that law, although a virtual monopoly of the business of refining sugar resulted, because interstate commerce was not thereby directly affected. Combinations and monopolies, therefore, although they may unlawfully control production and prices of articles in general use, can not be reached under this law merely because they are combinations and monopolies, nor because they may engage in interstate commerce as one of the incidents of their business.

In Pollock *v.* Farmers' Loan & Trust Co. (157 U. S., 429) certain

provisions of the law imposing a tax on incomes were held to be invalid because in contravention of the Constitution, and, on rehearing (158 U. S., 601), the invalidity of such provisions was held to destroy the entire scheme for the taxation of incomes.

The sentences of imprisonment in the county jail for terms varying from three to six months imposed on Eugene V. Debs and three other persons for contempt in disobeying the orders of injunction issued by the circuit court at Chicago during the great railway strike, July, 1894, were upheld in the case of In re Debs (158 U. S., 564), and principles established which are of the highest value and importance. The jurisdiction of the courts to issue and enforce injunctions against interference with interstate commerce and the passage of the mails was fully maintained, and it was held that the action of the courts in such cases is not open to review on habeas corpus.

The decision in Todd *v.* United States (158 U. S., 278) discloses a defect in the statute (Rev. Stats., sec. 5406) punishing conspiracy against parties and witnesses to prevent them from attending court and testifying, or to injure them for having attended or testified, which was held not to apply to preliminary examinations before commissioners. The importance to the Government of an amendment supplying this defect is manifest.

JUDSON C. HARMON, 1896, P. XXVII.

On January 7, 1896, the House of Representatives, by resolution, asked me for a report concerning the action of the department under the act of July 2, 1890, commonly called the antitrust law, and for suggestions whereby its efficiency might be improved. In response thereto, on February 8, 1896, I had the honor to submit a report, which was afterwards printed as Executive Document No. 234, Fifty-fourth Congress, first session. As this subject is one concerning which public interest appears to continue unabated, I take the liberty of repeating what I then said by attaching that report hereto as Exhibit 1.

EXHIBIT 1.—ENFORCEMENT OF LAWS AGAINST TRUSTS, COMBINATIONS, ETC.

DEPARTMENT OF JUSTICE,
Washington, D. C., February 8, 1896.

THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of Representatives of January 7, 1896, requesting me to report what steps, if any, I have taken to enforce the law of the United States against trusts, combinations, and conspiracies in restraint of trade and commerce, and what further legislation, if any, is needed, in my opinion, to protect the people against the same, I have the honor to say:

1. Many complaints have been made against alleged trusts, combinations, and monopolies which, in so far as they appeared to relate to matters within the jurisdiction of the Federal Government. I have endeavored to investigate as well as the means at my disposal permitted. Some such investigations are now in progress.

2. Two actions are now pending based partly or wholly on alleged violations of what is known as the Sherman Act. They both relate to agreements among interstate carriers.

3. The question, "What further legislation is needed to protect the people?" is one of general policy, and not one of law, which therefore does not pertain to my department. I assume, however, that Congress merely desires me to point out such defects in the present law as experience has shown to exist. I accordingly submit the following suggestions:

(*a*) The act of July 2, 1890, commonly called the Sherman antitrust law, as construed by the Supreme Court (see p. 13 of my annual report), does not apply to the most complete monopolies acquired by unlawful combination of concerns which are naturally competitive, though they in fact control the markets of the entire country, if engaging in interstate commerce be merely one of the incidents of their business and not its direct and immediate object. The virtual effect of this is to exclude from the operation of the law manufacturers and producers of every class, and probably importers also.

As a matter of fact, no attempt to secure monopoly or restrain trade and commerce could possibly succeed without extending itself largely, if not entirely, over the country; so that while engaging in interstate commerce may not be the direct or immediate object, it is a necessary step in all such undertakings. While Congress has no authority in the matter except what is derived from its power to regulate commerce, the States alone having general power to prevent and punish such commercial combinations and conspiracies, Congress may make it unlawful to ship from one State to another, in carrying out or attempting to carry out the designs of such organizations, articles produced, owned, or controlled by them or any of their members or agents.

The limitation of the present law enables those engaged in such attempts to escape from both State and Federal Governments, the former having no authority over interstate commerce and the latter having authority over nothing else. By supplementing State action in the way just suggested, Congress can, in my opinion, accomplish the professed object of the present law.

(*b*) Several of the circuit courts have held that the act of July 2, 1890, which used general terms, with no attempt to define them, made nothing unlawful which was not unlawful before, but merely provided punishment for such agreements and conspiracies against trade and commerce as the courts, by the rules of the common law, have always refused to enforce between the parties. The result has been great doubt and uncertainty and the failure of the law to accomplish its purpose.

If it is proposed to persist in that purpose, I suggest an amendment which shall leave no doubt about what is meant by monopolies, by attempting to monopolize, and by contracts, combinations, and conspiracies in restraint of trade and commerce.

It should not be difficult to distinguish legitimate business enterprises carried on by individuals or by associations of individuals in bona fide partnerships and corporations, however great and successful they may become by superior capacity, facilities, or enterprise, from combinations of rival concerns, no matter under what form or disguise, whose object is to stifle competition and thereby secure illicit control of the markets. The real nature and design of the organization would always be a question of fact. The courts have no difficulty in deciding the question when it arises between the parties. They would have none in deciding it as between the Government and the parties.

(*c*) The present law should contain a provision like that of the interstate-commerce law, to prevent the refusal of witnesses to answer on the ground of self-incrimination. This defect has been severely felt in all attempts to enforce the law.

The sufficiency of this feature of the interstate-commerce law is involved in a case recently argued and submitted to the Supreme Court, which will probably be decided during the present session of Congress. If the decision be in favor of the Government, a similar clause should be added to the present law against monopolies, etc.

I also suggest the propriety of making the penalties of the law applicable only to general officers, managers, and agents, and not to subordinates. The latter could not then decline to testify, and sufficient evidence can usually be obtained from them.

The difficulty of obtaining proof, on account of the cause just mentioned, might also be diminished, if not removed, by enacting as a rule of evidence that the purchase or combination in any form of enterprise in different States which were competitive before such purchase or combination should be prima facie evidence of an attempt to monopolize. This would put the parties to the necessity of explanation, which would supply the information desired.

A similar provision should be made with respect to well-known methods of doing business throughout the country which are designed to deprive dealers of liberty of trade and compel them to become instruments of commercial conspirators.

The adoption of such a rule of evidence might give life to section 7 of the present law, which permits civil actions for damages caused by such unlawful combinations and conspiracies. It is believed that difficulty of proof has been the chief reason why this section has been so nearly a dead letter.

(*d*) If the Department of Justice is expected to conduct investigations of alleged violations of the present law, or of the law as it may be amended, it must be provided with a liberal appropriation and a force properly selected and organized. The present appropriation for the detection of crimes and offenses is very small, and the time of the examiners if fully occupied by the present important duties assigned to them. It is well known that while it is quite easy to detect and prove combinations of workmen because of their large numbers and the methods which they necessarily adopt, time, care, and skill are required to obtain legal proof of combinations and conspiracies among producers and dealers, who are few in number and able to resort to skillful and secret methods.

But I respectfully submit that the general policy which has hitherto been pursued of confining this department very closely to court work is a wise one, and that the duty of detecting offenses and furnishing evidence thereof should be committed to some other department or bureau.

With a view to the efficient discharge of this duty, whoever may be charged with it, the law should provide, as the interstate-commerce law does, for compelling witnesses to attend and testify before the investigating officer.

Very respectfully,

JUDSON HARMON,
Attorney General.

JUDSON C. HARMON, 1897, P. XXV.

The Supreme Court rendered on the 22d of March last a very important decision under the act of Congress of July 2, 1890, United States *v.* Trans-Missouri Freight Association (166 U. S., 290). The decisions of the lower courts were reversed, and it was held that that act applies to railroad companies as well as others; that it applies to all contracts in restraint of trade, and not merely to contracts making unreasonable restraints; that the effect in restraining trade rather than the purpose of the contract is to be inquired into; and that a contract, legal when made, became illegal upon the passage of that act, so that acts done thereafter were done in violation of it. An injunction prohibiting the continuance of the association or of any similar arrangement was upheld. The combination was of 18 railways west of the Missouri River and was for the purpose of maintaining rates of freight. The case was argued in person by Attorney General Harmon.

JUDSON C. HARMON, 1898, P. XI.

UNITED STATES V. JOINT TRAFFIC ASSOCIATION ET AL., 171 U. S., 505.

This important case was argued on February 24 and 25, 1898, and decided October 24, 1898. It was a suit brought under the antitrust law to have the agreement creating the Joint Traffic Association declared illegal and its further execution enjoined. The joint-traffic agreement went into effect January 1, 1896. Under it 31 railroad companies, constituting 9 trunk-line systems, namely, the Baltimore & Ohio, the Chesapeake & Ohio, the Erie, the Grand Trunk, the Lackawanna, the Lehigh, the Pennsylvania, the Vanderbilt, and the Wabash, practically controlling the business of railroad transportation between Chicago and the Atlantic coast, entered into an agreement for the purpose of maintaining rates and fares on all competitive traffic. * * *

The court held, Mr. Justice Peckham delivering the opinion, following the Trans-Missouri case, that the joint-traffic agreement was in violation of the antitrust law, and therefore void; and it further held that Congress in dealing with interstate commerce, and in the course of regulating it in the case of railroad corporations, has the power to say that no contract or combination shall be legal which shall restrain trade and commerce by shutting out the operation of the general law of competition.

JOHN W. GRIGGS, 1899, PP. XX, XXI, XXV, XXVI.

Application is occasionally made to the Department of Justice to have legal proceedings brought in the name of the United States against corporations or combinations of companies that are alleged to be engaged in forming or maintaining monopolies or agreements in restraint of trade or competition. Such actions can be maintained only when the offense comes within the scope of a Federal statute.

It will be observed that this statute is directed only at combinations or monopolies in restraint of trade or commerce among the several branches of business or commerce, or attempt in any way to interfere with those transactions which are carried on exclusively within the confines of a State or which do not amount to what, under the decisions of the United States Supreme Court, is understood by the term "interstate commerce." And this is because the statute was passed by Congress under the power conferred upon it by the Constitution (sec. 8, clause 3) "to regulate commerce with foreign nations, and among the several States." The Federal Government has not constitutional right to supervise, direct, or interfere with the transaction of ordinary business by the people of the several States unless such business relates directly and not incidentally to interstate commerce, and such has been the decision of the Supreme Court of the United States. (United States *v.* E. D. Knight Co., 156 U. S., 1.)

It apeared in the Knight case that by the purchase of the stock of four Philadelphia refineries with shares of its own stock the American Sugar Refining Co. acquired nearly a complete control of the manu-

facture of refined sugar in the United States. The Government charged that the contracts under which these purchases were made constituted combinations in restraint of trade, and that in entering into them the defendants combined and conspired to restrain the trade and commerce in refined sugar among the several States and with foreign nations contrary to the act of Congress of July 2, 1890. The relief sought was the cancellation of the agreements under which the stock was transferred, the redelivery of the stock to the parties, respectively, and an injunction against the further performance of the agreements and further violations of the act.

The court held that, conceding the result of this transaction was the creation of a monopoly in the manufacture of a necessary of life, it could not be suppressed under the provisions of the Sherman Act, because the contracts and acts of the defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, which bore no direct relation to commerce between the States or with foreign nations. The object was manifestly private gain in the manufacture of a commodity, but not through the control of interstate or foreign commerce. There was nothing in the proofs to indicate an intention to put a restraint upon trade or commerce, and the fact that trade or commerce might be indirectly affected was not enough to entitle complainants to a decree.

In the recent case of Hopkins *v.* United States (171 U. S., 578) the court reiterated its opinion that the Sherman Act had reference only to that trade or commerce which exists or may exist among the several States or with foreign nations, and has no application whatever to other trade or commerce.

And it held that in order to come within the prohibition and remedy of the Sherman Act the combination, business, or occupation sought to be condemned must be one which directly affects interstate commerce, and that combinations in a business which affect interstate commerce only in an indirect and incidental manner are not within the statute.

If the Federal Government has constitutionally the power to regulate by legislation all contracts and combinations in manufacture, agriculture, mining, and all the vast field of productive industry, including the employment of labor and the investment of capital, where not the direct but only the incidental or ultimate result may affect interstate commerce, then, as pointed out by Chief Justice Fuller, it is impossible to say what, if anything, of the ordinary business of life would remain for State regulation or control.

The ordinary affairs of business and trade, of industry and production, are governable by the laws of the several States. The State legislatures can say what methods of bargain and sale, what forms of commercial or labor contracts, what kinds of corporations or partnerships shall be permissible within their several jurisdictions. The power of control or regulation by the Federal Government exists only in exceptional instances where actually conferred by the Constitution of the United States. Such an exception is the regulation of interstate commerce. But unless authority for the control of a branch of industry or business by the United States can be found in the Constitution it can not rightfully be exercised, but must be left where it rested before the Union was founded—with the people of the several States.

Of course I do not refer here to that kind of incidental regulation sometimes exercised by the Federal Government in aid of acts levying taxes. In all such cases the object of the law is the raising of revenue, and not the regulation of the business or branch of production which is taxed. It is to secure the honest payment of taxes, not to furnish salutary safeguards for the general public.

In every instance, therefore, where resort is sought to Federal jurisdiction against combinations in restraint of trade, the first question to be decided is, What kind of trade is affected? If not that sort known as interstate commerce, then the Federal courts are without jurisdiction. It is also obvious on principle and from reference to the decisions of the Federal Supreme Court that a direct subject of the combination must be commerce; not simply production, not simply manufacture, must be commerce; not the mere application of labor or skill, but that composite transaction known as commerce, which involves the buying, selling, and exchange of commodities and their transportation and delivery.

It is also well settled and perfectly clear on principle that it is not all commerce which is subject to Federal regulation and control, but only such as is carried on between the several States or with other nations—what is familiarly and accurately called interstate commerce.

If, therefore, any particular trade, business, enterprise, system of manufacture, or production of any kind, not having the elements of manufacture or production of any kind, not having the elements of commerce as legally defined; or any such business possessing the quality of commerce, but not extending as such between the States or with other nations, but confined in commercial operation to the limits of a State, is so organized or operated as to form a total or partial monopoly which injuriously restrains trade and competition, it can not be reached under the Federal jurisdiction, but is subject only to the laws of the particular State in which it operates. There is no question of the right and power of every State to make and enforce laws in restraint of monopoly; that is the normal and proper sphere of State autonomy; while the United States, not having been formed as a Government for the regulation of the internal affairs and businesses of the State, is limited in its authority to the regulation of that kind of business described as commerce between the States and with foreign nations.

In all cases where the facts presented to the Attorney General, capable of legal proof, have established satisfactorily such an agreement or combination in restraint of interstate commerce as is contemplated by the Sherman Act, legal proceedings have been taken by him in the name of the United States either to dissolve the combination or to punish the offenders by indictment.

JOHN W. GRIGGS, 1900, PAGE V.

SUMMARY AND SYLLABUS OF THE ADDYSTON PIPE & STEEL CO. *v.* THE UNITED STATES.

[No mention of antitrust cases in reports of 1901 and 1902.]

P. C. KNOX, 1903, PAGE V.

EXTENSION OF APPROPRIATION FOR ENFORCING THE ANTITRUST LAW.

By the appropriation act of February 25, 1903 (32 Stat., 854, 903), Congress appropriated the sum of $500,000 to be expended under the direction of the Attorney General in the employment of special counsel and agents in the Department of Justice to conduct proceedings and prosecutions under the various trust and interstate-commerce laws. It has now become highly important that this appropriation should be made available for the enforcement of the laws of the United States generally, and especially those relating to public lands, postal crimes and offenses, and naturalization. In respect to these three matters a grave condition of affairs exists, as shown by recent investigations and developments.

Vast portions of the public lands have been dishonestly acquired through frauds, perjuries, and forgeries, and by similar means the laws relating to the proper administration of the Post Office Department and other branches of the public service have been grossly violated. I have just referred to the crimes and frauds practiced in connection with the subject of naturalization.

In order that the penalties provided for violation of these laws may be promptly enforced and the Government furnished with competent Government assistance for the pending investigations and prosecutions and those which will arise throughout the country, I earnestly recommend that the said appropriation be made available for the purposes indicated, to be expended under my direction.

WILLIAM H. MOODY, 1904, P. XLV.

NORTHERN SECURITIES *v.* UNITED STATES (193 U. S., 197).

[No. 277. Argued Dec. 14, 15, 1903. Decided Mar. 14, 1904.]

This was a bill in equity, filed March 10, 1902, by the Attorney General on behalf of the United States in the Circuit Court of the United States for the District of Minnesota under the provisions of the act of July 2, 1890, "To protect trade and commerce against unlawful restraints and monopolies." The chief complaint of the bill was that the Northern Securities Co. in its organization and purpose was a mere device to control and merge two competing interstate lines of railway, namely, the Northern Pacific Railway and the Great Northern Railway, and therefore embodied an attempt to invade and violate the law.

In accordance with the act of February 11, 1903, the case was certified by the Attorney General to be one of public importance, and was heard by four judges of the circuit court for the eighth circuit on March 18–19, 1903. A decision was rendered on April 9, 1903, sustaining the contentions of the United States and enjoining the Northern Securities Co. from exercising any control over said railroad companies and from permitting such control to be exercised. (120 Fed. Rep., 721.)

The case was exhaustively argued in the Supreme Court by distinguished counsel, Attorney General Knox appearing for the United States. The decision of the Supreme Court confirms the judgment below. The opinion was delivered by Mr. Justice Harlan, with whom Justices Brown, McKenna, and Day concurred. Mr. Justice Brewer delivered a separate concurring opinion. The Chief Justice and Justices White, Peckham, and Holmes dissented, Mr. Justice White and Mr. Justice Holmes delivering dissenting opinions. The syllabus which follows fully states the facts, the respective contentions of the parties, and the grounds upon which the conclusion of the court was reached. * * *

[Syllabus omitted.]

WILLIAM H. MOODY, 1905, P. XIX.

Numerous alleged violations of the Sherman Act have undergone careful examination in the department. In some cases, after full examination, the department has declined to take action, and in other cases the investigation is still in progress. Several cases are in such a state of completion that action in the near future is likely to be taken.

The consideration of this class of cases has taxed the resources of the department to the utmost. Many of these combinations have existed for a long time. They conduct their business secretly and with the aid of skilled legal advice, and their operations cover many of the States and in some instances all the States. Each proceeding undertaken has been preceded by labor, the amount and character of which can not adequately be described.

WILLIAM H. MOODY, 1906, PP. VI, VII.

The act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman antitrust law, approved July 2, 1890, has required and received much interpretation by the courts, but many questions which may be raised under it are yet unsettled. The law dealing with the interstate and foreign commerce prohibits (a) agreements "in restraint of trade or commerce," (b) agreements "to monopolize any part of trade or commerce," (c) monopolization or attempt at monopolization of any part of trade or commerce. Although decisions of the Supreme Court have shed much light upon the meaning of the words used in the law to express the acts prohibited, yet the exact limits of the meaning of "restraints" and "monopolization" have not been ascertained with precision. Moreover, although the conception of commerce among the States and with foreign nations is well defined, its application to the complex conditions of business may often raise questions whether given transactions are foreign or interstate trade, which are not easy of solution. One main purpose of the law that competition shall not by agreements be suppressed runs counter to the tendencies of modern business. The Department of Justice is without organization for the investigation of suspected offenses, though the general appropriation for the enforcement of this and laws of like character made by Congress in 1903 has to some extent supplied this deficiency. Nevertheless it is true in the main that proceedings instituted by the department have had their origin either in a complaint by some interested person or in the investigation of some other department of the Government. These reasons—the uncertainty of the meaning of the law, its conflict with the tendencies of business, and the insufficiency of the means of detecting offenses—have made its enforcement slow and difficult and obedience to its provisions far from universal. From the date of the enactment of the law to the beginning of President Roosevelt's administration in 1901, 16 proceedings were begun and have been concluded; 5 of them were indictments, in all of which the Government failed, and 11 of them were petitions in equity, in which the Government prevailed in 8 and failed in 3.

[List of proceedings omitted.]

CHARLES J. BONAPARTE, 1907, PP. III, IV.

The department has been actively engaged during the past year in the enforcement of the statutes intended to prohibit monopolies and combinations in restraint of trade and discriminations and other abuses by common carriers in interstate and foreign commerce. The policy of the department in this field of its activity has been to investigate very carefully all complaints or information brought to its attention respecting alleged offenses under the statutes in question, and to set on foot proceedings, either civil or criminal, only when fully satisfied not

merely that the laws had been violated, but that sufficient proof of such violations could be obtained to justify a reasonable hope of success in the prosecution, and that the public interests demanded action on its part for the proper vindication of the law. As a result of this policy it has had a large measure of success in the prosecutions thus instituted, but the preliminary investigation and the careful consideration given to attendant circumstances of each case have involved much labor on the part of its staff. It has carefully refrained from any action which might reasonably appear to have been undertaken in aid of litigation between private parties, although the developments of such litigation have been diligently scrutinized to determine whether action on its part may be appropriate in the public interest. It has likewise declined to act upon complaints as to matters of comparative insignificance or relating to merely formal breaches of law, believing this legislation to be directed against combinations or oppressive conduct seriously affecting the interests and commercial liberty of the community. It seems appropriate in this connection to suggest the advisability of legislation looking to the more prompt and effectual enforcement of the above-mentioned statutes. The remedy by injunction is rendered, in a large measure, ineffectual in dealing with alleged violations of law on the part of great corporations or clusters of corporations and of individuals engaged in immense combinations and enterprises by the enormous delay, expense, and trouble involved in furnishing legal proof of facts, in themselves perfectly notorious, and which are merely formally denied to compel the production of such proof. I recommended the enactment of a statute which, in such civil cases, will give the process of the courts engaged in trying them the same scope in securing attendance of witnesses as is permitted by existing law with regard to process in criminal cases for the same purpose, and will also allow courts of equity in such cases to authorize the taking of testimony before several examiners simultaneously, and in as many different districts as the courts may deem appropriate to further the ends of justice. In some of the suits instituted during the present year the prayer for relief has asked, inter alia, the appointment of receivers to adjust the business of the offending corporations to the requirements of the law, provided it shall seem to the court inexpedient to intrust this duty to the officers of the corporation itself. I respectfully suggest the advisability of an amendment to the law specifying the circumstances under which such relief may be granted and regulating the proceedings of the officers to be so appointed; rather, however, with a view to removing opportunities for misconstruction and possible misrepresentation of the purpose and scope of such relief than because I think there is any probability of unfortunate consequences from the granting of such prayers by the court. I refrain from any recommendations or suggestions as to changes of substance in the statutes above mentioned, because these would involve a consideration of questions of general policy lying beyond the appropriate field of public duty of this department, its legitimate function being to secure the effectual and impartial enforcement of all existing laws.

CHARLES J. BONAPARTE, 1908, P. III.

It has been the duty of this department to continue the enforcement of the several statutes intended to protect the interstate and foreign commerce of the country from evils arising from combinations and restraint of trade, and attempts to create monopolies, as well as discriminations and other illegal practices on the part of common carriers engaged in such commerce. The consistent policy of the department in this branch of its work has been carefully to investigate all complaints submitted to it, whether by public authorities or by responsible private citizens, and to authorize proceedings, whether civil or criminal, only when this investigation shall have shown the complaints to be serious and well founded, and that success in such proceedings might be reasonably expected. This policy was observed during the last year, as it had been previously, and was attended by a fair measure of success in the proceedings authorized. As a consequence of successive decisions already obtained or expected in the near future in causes of this character, which have been finally passed upon by the Supreme Court, the statutes above referred to will soon have been so authoritatively interpreted as to remove doubts previously existing, or alleged to exist, as to the meaning of important provisions, and individuals or corporations seeking in good faith to comply with the law thus relieved from the hardship of uncertainty as to what the law really is. It is of great moment to the community that the law should be clear and readily understood, and this is particularly clear with respect to statutes which affect the commercial relations of the whole people. In accordance with the precedent of my last annual report, I refrain from any recommendation or suggestion as to changes of substance in the said statute, but it seems appropriate to advise the Congress that serious obstacles have been encountered in their effective enforcement which can be, and, in my opinion, may be with advantage, readily removed by further legislation.

GEORGE W. WICKERSHAM, 1909, P. III.

During the incumbency of my predecessor and since my accession to office the department has continued the policy of enforcing the several statutes intended to protect interstate and foreign commerce of the country from evils arising from combinations in restraint of trade and attempts to create monopolies in the manner outlined in the last annual report of the Attorney General, that policy being, as therein stated, carefully to investigate all complaints submitted to the department, whether by public authorities or by responsible private citizens, and to authorize proceedings, whether civil or criminal, only when this investigation shall have shown complaints to be serious and well founded, and that success in such proceedings might be reasonably expected. * * *

GEORGE W. WICKERSHAM, 1910, P. II, III.

* * * It has been the policy of the department to carefully investigate all complaints made to it concerning contracts, combinations, or conspiracies in restraint of trade or commerce in violation of the Sherman Act. Many of these complaints upon investigation prove to be groundless or develop sources of complaint wholly outside of the scope of the Federal law. The decisions of the Supreme Court, however, sustain beyond controversy the proposition that every contract, combination in the form of trust or otherwise, or conspiracy having for its purpose or directly and necessarily effecting the control of prices, suppression of competition, creation of a monopoly, or other obstruction or restraint of trade or commerce among the States is made illegal by the Sherman Act; and that every person who shall make such contracts or engage in such combination or conspiracy is guilty of a misdemeanor and liable to fine and imprisonment. Therefore, when the evidence tends to show that the defendants have combined under contract, agreement, trust, or otherwise, with the obvious intention of restricting output, dividing territory, fixing prices, excluding competition, or otherwise restraining interstate or foreign commerce, or attempting to monopolize commerce among the States, or with foreign countries, the department has considered these facts as evidence of such a deliberate attempt to violate the law as to justify the use of any or all of the remedies provided by law which are adequate to prevent the accomplishment of such purposes and to punish the attempt. In such instances the department endeavors, when the evidence warrants, to secure the indictments of the individuals responsible for the acts complained of. In the administration of this law, however, the department has refrained from instituting criminal proceeding where the evidence merely tends to show that men without intent to violate the law have acted in technical contravention of it, and in such cases has resorted to civil proceedings to restrain a continuance of the acts complained of. * * *

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

FINAL ADJOURNMENT.

Mr. WARREN. From the Committee on Appropriations, I report favorably, with an amendment, the concurrent resolution which I send to the desk, for which I ask present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 8) submitted by Mr. PENROSE August 15, 1911, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of August, 1911, at 2 o'clock p. m.

The VICE PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of the concurrent resolution. Is there objection?

Mr. BAILEY. Mr. President, of course, I am not in the confidence of the administration, and it is impossible for me to have any positive knowledge of what is going to happen to the bill which we passed here two days ago, and which I am permitted by the rules to say is now pending in the House of Representatives. Personally I should not be willing to vote for any resolution to adjourn this session of Congress until the President has had an opportunity to dispose of that matter, and until the House and the Senate, if it should come to the Senate, have had an opportunity to reconsider it. If this resolution should be adopted by the two Houses, it would be an invitation for the President to execute a pocket veto on that measure. I think the President would be warranted in assuming that the Congress desires him to dispose of it in that way if we adjourn before he has either approved or disapproved it.

Mr. WARREN. Will the Senator yield for a moment?

Mr. BAILEY. Certainly.

Mr. WARREN. I wish to say, Mr. President, that the resolution having passed here, it becomes the property of the House of Representatives, and I assume that the House will not consent to a date that would embarrass itself. As to the suggestion in regard to the signature of the President or his failure to sign, that is a matter of some 10 days; and if the Senator takes the ground that upon all these measures we should wait until that time, I assume he would, of course, have to have the cooperation of the House.

Mr. BAILEY. No, Mr. President, I would not take that position necessarily. If there were unimportant or uncontested matters to be presented to the President, I would assume that he would come, as he frequently does, to the room set apart for him at this end of the Capitol, where he could promptly affix his signature to such measures as he approved, without the delay of sending them to the executive office; but I do think that if we adopt this resolution before that bill is even sent to him, it would appear, at least, to be an invitation for him to let the Congress adjourn without returning it with his disapproval. I am inclined to believe this is the first time during my 20 years of service in the two Houses that the final adjournment resolution has been adopted first by the Senate. I say that, however, with some reserve, because I am not sure that I am right about it; but, Mr. President, if we are to adjourn, I want to employ this occasion to put into the RECORD some matters touching the tariff question, and I shall occupy but a moment in doing so.

Several times in our recent debates I asserted that in placing hides on the free list the tariff law of 1909 had inflicted a very great loss upon our farmers and ranchmen. That assertion was each time challenged with more or less directness; and I want to read into the RECORD a brief extract from Taussig's Tariff History of the United States. Prof. Taussig has for several years, with the passage of each new tariff law, printed a new edition of his very excellent history of the tariff, and the last includes a discussion, somewhat in detail, of the act of

1909. This is what he says about the effect of the repeal of the duty on hides, on page 383 of the fifth edition of the book:

It happened, too, that the duty on hides had not been, like so many on crude products, of limited effect. The imports were a considerable portion of the total supply, and the imported and domestic hides came in competition in the same market. The case was one where the protective duty had its full effect; the price of the whole domestic supply, as well as of that imported, was raised by the amount of the duty.

I take it that no advocate of free raw materials will be disposed to controvert this statement of Prof. Taussig, because, among the many earnest and intelligent advocates of that peculiar doctrine, he stands preeminent. He is himself, and he has been for many years, an earnest advocate of free hides, and therefore when he says that the duty on hides "raised the price of hides to the full amount of the duty," it will be accepted, at least by those who follow his teaching, as conclusive.

When we reflect, Mr. President, that there are more than 5,000,000 cattle killed at the principal market places of the country, and that throughout the entire country there are more than 12,000,000 cattle slaughtered every year, allowing a minimum reduction of a dollar and a half in the price of each hide, it signifies that the free-hide provision of the Payne-Aldrich bill has diminished the receipts of the farmers and ranchmen of this country more than $18,000,000 a year on that single item.

Not only does Prof. Taussig take the view I have often expressed as to hides, but I find no little satisfaction in the fact that he expresses the same view that I have often expressed with respect to the duty on lumber. When I resisted the repeal of the duty on lumber in 1909 I asserted, as Senators will recall, that in the nature of things the repeal of that duty could only affect the price of lumber in a very limited territory. I repeatedly declared during that debate that as to the Southern States, and particularly as to my own State, the freight rate would render the tariff of $1.50 or even $2 a thousand wholly immaterial. Of course I did not need the statement of Prof. Taussig or of any other professor or tariff expert to confirm me in that opinion. By taking the price of lumber at the Canadian mills and adding to that the freight per thousand feet, I could easily demonstrate that by the time Canadian lumber reached Texas it would be worth at least $6 a thousand more than our people were then paying. But that argument has been so often assailed by those who do not understand the question that I am gratified to offer this authority in support of it, and, with the permission of the Senate, I will read what Prof. Taussig has said on that subject:

No doubt the cheapening of materials sometimes affects only a part of the market. Lower duties on coal and lumber, or their free admission, have but a limited range of influence. Free coal, as has already been said, would be to some advantage for coal users in New England and the extreme Northwest, though in both districts the possible consequences are much exaggerated, both by advocates and opponents. Free lumber would lead to a slightly larger importation from Canada along the eastern frontier, but probably to none of any moment in the Northwest. It would check a bit, even if only a bit, the wastage of our own forests, and in so far is clearly sound policy. Not a few southern Representatives voted for the retention of the duty on lumber, and their votes turned the scale in its favor. Yet, both because of geographical limitation of competition and because of the different quality of southern lumber, the duty is of no real consequence for their constituents.

And so, as to the section from which I come, the influence of the repeal of the lumber duty was simply a surrender of so much revenue, without the slightest benefit to our people.

While I am on my feet I believe I will also incorporate in the RECORD a resolution adopted by the Farmers' Union of the State of Texas at its recent meeting, held in the city of Fort Worth on the 3d day of the present month, in which that body of honorable and intelligent men records its emphatic opposition not only to the Canadian reciprocity treaty, but to the whole proposal, now definite and systematic, to strip the farms of this country for the benefit of our cities and industrial centers.

I will ask the Secretary to read the resolution which I send to his desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Whereas during the past few years, as a result of short crops, increased demand, better methods of farming, and more intelligent marketing the agricultural classes of the Nation have received fairer prices for the product of their labor, and as a result American farmers are becoming more prosperous and independent, and agriculture is in a fair way of being restored to its proper station of dignity and importance; and

Whereas we believe the prosperity and well-being of the agricultural classes injure no man, but are a benefit to all; and

Whereas we believe no obstacle should be placed in the way of the continued progress of the farmer and no discrimination practiced against him; and

Whereas we believe it an unjust discrimination for the Government to compel the farmer to sell the products of his labor in free competition with all the world while forcing him to buy in a restricted and protected market, thus compelling him to pay heavy taxes to the Government and unjust tribute to manufacturers, while the latter is permitted to escape payment of tariff taxes and is enabled to beat down the price of farm products: Therefore, be it

Resolved by the Texas State Union, Farmers' Educational and Cooperative Union of America, That we declare our belief that all tariff taxes should be fairly and equitably distributed and that it is unfair and unjust to exempt manufacturers from the payment of taxes on their raw material while compelling the producer to pay heavy taxes on manufactured articles. We denounce such a system of favoritism toward manufacturers and a discrimination against producers; and be it

Resolved further, That we extend our sympathy to our brothers of the National Grange in the northern and western States in their unsuccessful fight to prevent the passage by Congress of the Canadian reciprocity bill, which places the products of their farms on the free list while retaining high rates on manufactured articles. We assure our brothers that we have not forgotten that an injury to one is the concern of all, and pledge them our sympathy and support in their efforts to secure justice for American farmers.

Adopted Thursday, August 3, 1911.

Mr. BAILEY. Mr. President, at the same meeting there was, in addition to that general resolution, another resolution adopted with respect to the failure of the Senate to provide free bagging and free ties for the farmers of the South on the Canadian reciprocity treaty. I present this resolution with some little hesitation, because it rather severely arraigns the Senators from the Southern States for their votes in that matter, but as it was sent to me under the seal of that organization, and as they are my constituents I feel that they are entitled to have it presented to the Senate, and I ask the Secretary to read it.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution, as requested.

The Secretary read as follows:

Resolution passed by the Farmers' Educational and Cooperative Union of Texas in convention assembled at Fort Worth, Tex., August 1 to 4, 1911.

Whereas the American cotton farmers produce more cotton for the use of mankind than any other section of the world, and they are burdened by a tax on bagging for cotton and ties for cotton, and by virtue of this fact the Jute Trust and the Cotton Tie Trust force the cotton farmers to pay them a profit amounting to millions of dollars annually; and

Whereas the cotton producers are entitled to purchase their bagging for cotton and their ties for cotton without paying unreasonable profits to manufacturers, and the present makers of bagging and ties are protected by a duty levied by the United States Government at the expense of the cotton producers: Now therefore be it

Resolved by the Texas Farmers' Union in annual session at Fort Worth on August 1 and 2, 1911, That we favor the admission free of duty into the United States of all forms of bagging for cotton and all sorts of cotton ties, and we condemn the recent action of the United States Senate in voting against free bagging and ties and against the proposition to make this feature a portion of the reciprocity bill, and we condemn the action of all Southern Senators who voted against above features, and we commend those who voted for them; and be it further

Resolved, That a copy of this resolution be sent to Hon. CHARLES A. CULBERSON and Hon. JOSEPH W. BAILEY, United States Senators from Texas, by the State secretary.

Mr. BAILEY. Mr. President, I think that those worthy gentlemen were well within their rights when they complained at the Senate for its refusal to amend the Canadian agreement by adding a provision for free bagging and free ties as a separate and independent section. We can not forget, sir, that those men for many years have been supplying our commerce with the one commodity which has always turned the balance of international trade in our favor. Except for the cotton which they have produced and which we have sold to the world, that balance of trade would have run against us as often as it would have run in our favor. Nor must we forget that even in our own markets they sell their cotton in competition with the world, because this Government levies no tax on imported cotton, although a moderate tax of one-fourth as much as is now levied on the woolen goods which our farmers buy would yield more than $2,500,000 in annual revenue to the Public Treasury.

Nor is that all. The cotton-bagging manufacturers are permitted to import free of all duty the raw material out of which they manufacture this cotton bagging, and yet the American Congress stubbornly refuses to remit to this large and this worthy class of our people the tax which they are compelled to pay for the material with which they dress their great crop for market.

I knew, and I think if other Senators had calmly consulted their judgment they would have known, that had we added the entire free-list bill as an amendment to the Canadian reciprocity treaty the President would have approved it. But conceding that you may have been right about that, and that I may have been wrong, I eliminated from that free-list bill everything except cotton bagging and cotton ties and grain bags for the western farmer and offered that as an amendment to the Canadian agreement, but for reasons which, of course, I must consider sufficient for them, a majority of the Senate voted it down.

I do not often indulge in the practice, generally reserved for good women, of saying, "I told you so"; and yet I can not refrain here and now, when you are proposing a motion to adjourn, from reminding you that I then warned you that unless you attached the wool bill and the free-list bill to the reciprocity

treaty, we would never be able to enact either one of them into a law.

A Republican President has been able to secure his reciprocity bill, but Democratic Senators are standing around, like helpless children whose candy had been taken out of their hands.

Mr. PAGE. Mr. President, I happen to be one of those Senators who during the consideration of the Payne-Aldrich bill voted for free hides. I am a pretty good Republican myself. I believe in a fair degree of protection to every American industry, not excepting the raising of hides, if that may be called an industry. But I want to say to the Senator from Texas, if I may be permitted, that I dislike to have him overstate, as he has, the great loss or damage that has come to the American farmer by reason of the removal of the duty on hides. He says that the loss has been fully $1.50 per hide.

Now, anyone conversant with the hide trade knows that an average hide weighs about 50 pounds, and an average high price of hides abroad up to the passage of the Payne-Aldrich bill—and I think it was absolutely that at that time—was 10 cents per pound. Ten cents per pound means that a 50-pound hide is worth $5; and the 15 per cent duty means 75 cents; and where the Senator from Texas is able to figure $1.50 is beyond my comprehension.

Mr. BAILEY. The Senator from Vermont, of course, understands that, under a Treasury ruling, the smaller hides were held not dutiable under the act of 1897. It is only the larger hides that were subject to duty, and a gentleman who seemed to know as much about it as anybody testified before the Committee on Finance that the loss was $3 a hide. I have no doubt myself, from my own knowledge of it, it would amount to something like a dollar and a half, not less than that, on the hides which were subject to a duty.

Mr. PAGE. The Senator from Texas speaks of no hide being dutiable except heavy hides. All hides, or all that are known in the market as hides, are dutiable, but we designate a hide only as a hide when it weighs 25 pounds.

Mr. BAILEY. That is because the lighter hides were not required to pay a duty, and so they were not hides to the tanners and the shoemakers unless they paid the duty.

Mr. PAGE. But in the markets of the world we designate the skin of an animal of the bovine species as a "skin" until it reaches the weight of 25 pounds. Everything weighing 25 pounds and above pays the duty and is classified as a "hide."

Mr. BAILEY. Oh, no; the hide of a yearling steer would not be heavy enough to pay the duty, but we do not call that a skin. We call a calf's hide a skin; but after it is more than a calf, after it is a year old or older, we call it a hide; that is, cattlemen do. I do not know, of course, how the manufacturers designate it.

Mr. PAGE. The Senator from Texas is simply mistaken. When any hide weighs as much as 25 pounds, I care not if it comes from a calf—and I have seen a calfskin weighing more than 50 pounds—it is then dutiable, and the classification of the customhouse is purely on the weight of a green, salted hide, as we know it in the trade, and that is 25 pounds.

Now, 25 pounds is the minimum weight of a dutiable hide, and everything weighing 25 pounds—green salted, as it is called by the trade—pays a duty. The average runs from 45 to 55 pounds. In my judgment the average hides of this country will run under 55, and probably about 50 pounds, after they are in the trimmed and cured condition.

The price of hides in Montreal, for instance—because I am conversant with that market—on the day we passed the Payne-Aldrich bill was 10 cents a pound. Consequently the duty, if a hide averaged 50 pounds—and that is a fair average—would be 75 cents per hide. I can not see how by any computation it can be said that the farmer is wronged more than 75 cents per hide if he is wronged to that extent.

But I want to say to the Senator that the extreme of the hide market for what we term a buff hide, which is the common hide of this country, has been about 14 cents. There has very rarely been a time when it has been higher than that, and a high average has been 12 cents, and a so-called buff hide to-day is worth about 12 cents per pound. Hides are high to-day, but I want to say to the Senator that I do not urge this as a reason why we should or should not have a duty on hides. I think there is a strong reason why hides should be free, and it is this: The packers of this country to-day kill more than 40 per cent of all the domestic cattle from which the hides are taken, as I understand and believe. Now, in addition to that, the packers of this country, notably the Swifts, have gone into the country markets, and to-day they—the Swifts—control in New England from 70 to 80 per cent of all the country kill. What else? The Swifts to-day are the largest tanners of this country and the result is that when a tanner of American hides wants to buy the raw material for his tannery, he has to go into the market and buy it of his competitors, the Swifts or the Armours.

The result is that that large industry, the tanning industry, which, I believe, is ninth in the amount of capital invested and eleventh in the amount of men employed, was absolutely on the verge of being driven out of business because it was compelled to buy its raw material of its competitors. Everyone knows that, as a commercial proposition, that can not be done.

I do not want to introduce here any discussion of the old hide tariff, except to say what I designed to say when I rose, and that is that the Senator from Texas, by looking up the facts, will find that the average of hides in this country, by and large, is about 50 pounds; that the price in the foreign market is about 10 cents a pound at a high average, making a hide worth $5, and the 15 per cent duty makes 75 cents, no more and no less. I should like very much to have the Senator quote the statistics which disprove this statement.

Mr. BAILEY. The mistake of the Senator from Vermont consists partly, if not wholly, in taking the average of all hides imported. I repeat that by a Treasury construction of the law hides below a certain weight were not dutiable under the act of 1897, and prior to that act, from 1883, hides of no kind were subject to a duty. Of course, if you take the average of the hides imported they will not be much heavier than the Senator from Vermont says. But the hides which we import are not the kind of hides we produce at home, because we import most of our hides from countries which grow smaller cattle. To illustrate what I mean: The hides imported from Mexico will not average one-half the weight of the hides produced in Illinois or Indiana, because Mexican cattle are very much smaller than our native cattle. Indeed, sir, the hides produced by the cattle of Texas will not weigh more than 70 per cent of the hides produced by what in the Chicago market are called native cattle, coming from Iowa and Illinois and Indiana and the great corn belt. The hides we produce in this country unquestionably suffer a diminution of price equal to $1.50.

I rose, however, to rejoin more to the Senator's statement that the Swifts control the hide supply of the country. I have heard that a long time, and there was a time when what is known as the Beef Trust, four or five great concerns in Chicago, very nearly controlled the price of cattle, and of course in controlling the price of cattle they controlled the price of the by-products of cattle, one of which is the hide. But, Mr. President, there was never anything plainer than this: If the Beef Trust could control the price of cattle, whenever they were compelled to sell the whole of the cow or steer for $1.50 less than they otherwise would, they would pay $1.50 less when they bought it, and if their control of the market was complete, for every $1.50 that they were compelled to surrender when they sold the steer, his meat or his by-products, they would be apt to take $2.50 from the price which they would pay the farmer or the ranchman.

But I rejoice to say that it is no longer true that the great packing companies of Chicago absolutely control the price of cattle in this country. I will not undertake to explain how it has happened. Some gentlemen believe it was caused by the threat of prosecution under the antitrust law. Other gentlemen believe it was the aggressive protest of the cattlemen of the country, who threatened to join with the Government and to furnish the testimony against the combination. Still others believe that an investigation ordered several years ago by the Senate and conducted with consummate ability, mainly by the late Senator from Missouri, Mr. Vest, contributed largely to that result. But whatever has produced the result it is now true that more than 40 per cent of the cattle shipped to the Chicago stockyards are purchased by competing buyers and reshipped to other sections of this country. And it is, sir, due to the establishment and successful operation of plants in all of the great eastern cities, and due to other plants in even southern cities, that when the farmer or grazer now ships his carload or his trainload of cattle to Chicago, he has the benefit of a substantial competition.

But with or without that competition it would be equally true that whatever affects the price of the steer affects the price generally of every part of it, although it is easily conceivable that the price of the steer can advance due wholly and only to an advance in the price of meat. The blood, the hair, the hide, the hoof, and all of the by-products might remain absolutely stationary in price, and yet the price of the steer might rise due to the meat alone. On the other hand, it is entirely possible that the price of the steer would fall, although

the price of the meat might not be affected the fraction of 1 cent on the hundred pounds, the fall coming about through a fall in the price of these by-products.

It is said—I have never heard one of them say it, but I have been told by gentlemen who profess to have heard them say it—that the packers of this country would be content with a profit on every steer equal to the price of the blood and the hair; and gentlemen familiar with the business tell me that this alone would enable the packers to declare a handsome dividend on their enormous capitalization.

But however much of value these by-products may have, it is as certain as the operation of an economic law that as their price falls, the value of the steer which yields them must fall. But again I commend to the Senator from Vermont the conclusive and the clear admission of Prof. Taussig. When we had this question up before the Senator from Vermont was not willing to admit, as I remember, that the repeal of the tariff would reduce the price of hides.

Mr. PAGE. I have never taken that position. I have always believed it would.

Mr. BAILEY. Did the Senator in that debate tell the Senate that it would?

Mr. PAGE. I said that I thought it would not diminish the price of hides to the full extent of the duty waived, but I have always believed that it would reduce the price somewhat.

Mr. BAILEY. Somebody diverted my attention just when the Senator began to qualify and limit the effect of repealing the duty. My recollection of it was that he said it would not reduce it at all. But I accept his present statement, and although I would not invite a comparison between an eminent New England statesman and a scholarly New England professor, I must oppose against the statement of the Senator from Vermont the statement of this Harvard professor. He says that the duty raises the price of hides the full amount of the duty, and of course, if that is true, repealing the duty will reduce the price of hides its full amount. I leave the Senator from Vermont to settle that question with Prof. Taussig.

Mr. PAGE. Mr. President, a professor in a college is a very learned man; he can oftentimes prove theoretically almost anything; but I want to state to the Senator from Texas at this time that the price of hides to-day is as high as it was at the time we passed the Payne-Aldrich bill.

Mr. BAILEY. But not so high as they were, for instance, 2 years ago or 18 months ago.

Mr. PAGE. The price of hides fluctuates.

Mr. BAILEY. Of course.

Mr. PAGE. They were in Canada on the 5th day of August, 1909, when we passed the tariff bill, 10 cents per pound.

Now, I want the Senator to listen to one little fact which I wish to state, and which is simply mathematical. If the average of a hide is only 50 pounds, but to make it beyond any peradventure I will say less than 60 pounds—and I am sure the Senator will give me credit for saying what I think I know—and if the price of hides is 10 cents in the foreign market and the duty is 15 per cent, it would mean 1½ cents per pound. If the average weight of hides is 50 pounds, it would mean a duty of 75 cents; if it is 60 pounds, it means 90 cents.

Mr. BAILEY. And if 100 pounds, $1.50.

Mr. PAGE. I state that the average hide to-day is between 50 and 60 pounds. I think 50 pounds a fair average.

Mr. BAILEY. If you take them all, that is true; but of the best that is not true.

Mr. PAGE. Of the hides the farmers raise in this country there are two classes. There is the class known to the trade as extremes, running from 25 to 40 pounds; then there is the class known as buffs, weighing 40 to 60 pounds. In addition to these there are the steer hides, but they are smaller in quantity. I say to the Senator, in all good faith, that in my opinion the average of hides is below, rather than above, 60 pounds, and therefore it can not be true that the loss is $1.50 on a hide, or even $1.

Now, one word more in regard to the control of the Swifts, because I suppose there is no harm in coming to that fact in the concrete. I say to the Senator that 20 years ago it was possible for a tanner to go into the Boston market and buy of any one of half a dozen hide dealers three, four, and five thousand New England hides. I want to say to him that to-day I do not believe there is one place in New England, outside of Swifts and one other, where you can go and buy 5,000 New England hides; I do not think you can buy 3,000. The facts are that in nearly every prominent city of New England the Swifts have bought out the hide business. The exceptions are very few, including Pittsfield, Mass., and three or four smaller towns. They absolutely control 70 to 80 per cent of the country kill of hides in New England. With that control in the hands of the Swifts, and being, as I believe they are, the largest tanners of New England, indeed they are fast coming to be the largest in the country, because they are constantly enlarging their plants—with that fact so patent that nobody to-day in the leather trade denies it, it comes to this, that controlling the country hides and 40 per cent of the packers' hides, the large tanning firms of the country are compelled to buy their raw material—their hides—of their competitors, a condition so ruinous that it would, in my judgment, have driven out of business in a few years the independent tanners of this country. The fact that we opened our doors to the whole world and gave them a chance to go into the world's markets to buy their hides has been their salvation.

One word more, because I know we are getting to a late hour, I want to make one further statement in regard to hides. We are a prosperous people, and year by year the price of the raw material which enters into the manufacture of boots and shoes has been advancing. I want to say to the Senator that to-day the price of calfskins is higher than ever before in the history of calfskins; as to the weights known to the trade as 5 and 7 and 7 to 9 pound trimmed skins, the weight that enters largest into the manufacture of men's shoes, the price is so high that we are compelled now to take the hide and split it; and it has come to pass that an expert tanner can take the grain of the hide and so far manipulate it that it looks like a calfskin. We are very fortunate to-day if we wear calfskin. We look down upon our shoes believing that we are wearing calf, when in reality we are wearing leather made from hides.

That is a condition, not a theory, and I do not care what the professor at Harvard says. I know what the facts are. You can not make on a 60-pound hide, bearing a 15 per cent duty, and worth 10 cents per pound in the foreign market, a difference of $1.50. The Senator can figure that very easily if he will take a pencil. He ought to be able to do it in his head.

Mr. BAILEY. Mr. President, the misfortune of a man who is altogether practical is that he attaches too much importance to the narrow facts within his own experience. The Senator from Vermont has just said that Swifts control 40 per cent of the packers' hides in this country. He will revise that when he looks a little further and compares the business of Swifts with the business of Armour, Morris, Schwarzschild & Sulzberger Co., and other packers who are killing almost as many cattle in this country as Swift & Co. themselves.

Mr. PAGE. Mr. President, I wish to correct myself. If I said Swifts; I meant the packers of this country.

Mr. BAILEY. I have made some progress toward correcting these mistakes, and if I could prolong this session I would have the Senator from Vermont entirely straight before I got through.

Now, Mr. President, the Senator also makes a mistake when he says the steer hide is an inconsiderable supply of hides. Except the calves practically all of the cattle that go to the great packing establishments are steers. The ranchmen and the farmers only send the cows there when the times are hard or the grass is short or the cow is old. When the cow is old and is shipped there, she generally goes into the cans. She does not go for beef even to the workingman's table of this country; she goes into the can to become beef for the underpaid workingmen of other countries.

The cow at the stockyards is vastly less important than the steer, because the steer goes there whenever he is ripe. After he is ripe, to keep him on the farm or the ranch one day is an actual and absolute loss, for when he is ripe he will not only fetch as much per pound as he ever will, but he weighs as much as he ever will, and to keep him even on the pasture, if you could preserve his fat and preserve his weight and finish, would, after all, be a clear loss to the extent of the pasturage besides the chance of death or injury to him. The whole steer crop of this country is marketed at these packing houses and other butcher shops. The cow crop of this country is only marketed under the extraordinary circumstances which I have just related.

My estimate is more moderate than any cattleman will make, as the Senator from Vermont can easily inform himself by looking at the committee hearings when the cattlemen appeared before us and gave their testimony; but even if we were willing to go down, which I will not do, because that is not right, to the 60 pounds suggested by the Senator from Vermont at a cent and a half a pound, as he figures it, instead of 15 per cent, a hide is sometimes worth 14 and 15 cents a pound—if I were willing to go down to that point, however, it would be 90 cents on a head, and on the total slaughter of 12,000,000 a year the loss would represent the stupendous sum of $10,800,000.

Mr. President, I understand that the Senator from Virginia has conferred with our friends in the House about this adjourn-

ment resolution and that it is agreeable to them. I shall not, therefore, interpose any further objection.

Mr. MARTIN of Virginia. Mr. President, I simply desire to say that the resolution is in accordance with the judgment and wishes of those chiefly charged with the conduct of the business unfinished now in the House of Representatives. It is for the purpose of facilitating final adjournment. It will not be adopted in the House unless those conditions which have been referred to by the Senator from Texas are attained before we reach the day and hour named. I think that its passage will facilitate final adjournment, and I hope that it will be adopted.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. On page 1, line 6, strike out "two" and insert "three," so as to read "3 o'clock p. m."

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution as amended.

Mr. MYERS. On that I ask for the yeas and nays.

The VICE PRESIDENT. Upon the adoption of the resolution the Senator from Montana asks for the yeas and nays. Is there a second to the demand. [A pause.] Eight Senators have seconded the demand—not a sufficient number. The yeas and nays are refused on the resolution.

The concurrent resolution was agreed to.

Mr. MYERS. I wish the RECORD to note that I voted "no" on the adjournment resolution.

The VICE PRESIDENT. The reporters will have in the RECORD the statement of the Senator from Montana.

PAY OF EMPLOYEES.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 58) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1911, on the 23d day of said month, to report it with an amendment, and I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Appropriations was, in line 10, before the word "day," to strike out "twenty-third" and insert "twenty-second," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of August, 1911, on the 22d day of said month.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1911, on the 22d day of said month."

THE INITIATIVE AND REFERENDUM.

Mr. OWEN. I desire consent to place in the RECORD an argument, showing that the initiative and referendum is a republican form of government, submitted by myself and others before the supreme court of Oregon.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. WILLIAMS. Wait a moment, Mr. President. What is the request?

Mr. OWEN. The request is to have placed in the RECORD an argument submitted before the supreme court of Oregon by myself and others to the effect that the initiative and referendum is a republican form of government.

Mr. WILLIAMS. I should feel ordinarily very much opposed to objecting, but I do not think the CONGRESSIONAL RECORD ought to be regarded as an instrumentality to carry arguments on questions of that sort. I shall object.

The VICE PRESIDENT. Objection is made.

GOVERNMENTAL CONTROL IN ALASKA.

Mr. LA FOLLETTE. Mr. President, out of the regular order I offer a Senate resolution.

The VICE PRESIDENT. Without objection, out of order, the Senator from Wisconsin offers a resolution which will be read.

The resolution (S. Res. 144) was read, as follows:

Whereas the mineral and other resources of Alaska belong to all of the people of the United States; and

Whereas under existing law these resources must remain undeveloped or be turned over to private monopoly, through control of transportation facilities: Therefore be it

Resolved, That while the people of Alaska are entitled to, and of right should be granted by appropriate congressional action, the largest measure of home rule, with its representative assemblies responsible to the people, it is the sense of the Senate that the Government should own and operate all railroads, docks, wharves, and terminals, make provision for operating mines and leasing mines at reasonable royalties, with suitable safeguards for prevention of waste and security of life, and, in general, provide for proper conservation and development of the natural resources of Alaska, to be administered by a board of public works, to be appointed by the President and confirmed by the Senate.

Mr. LA FOLLETTE. I ask that the resolution lie on the table.

The VICE PRESIDENT. Without objection, it will lie on the table.

Mr. LA FOLLETTE. And I give notice that I will submit some remarks on the resolution——

Mr. WILLIAMS. I understand that the question of the Government ownership of railroads is involved in the proposition. Is that right or not?

Mr. LA FOLLETTE. It is.

Mr. WILLIAMS. Then I object.

The VICE PRESIDENT. The request is that the resolution lie on the table.

Mr. WILLIAMS. Oh!

Mr. LA FOLLETTE. I ask that the resolution lie on the table, and I give notice that on Monday morning, after the routine business, I will submit some remarks on the resolution.

The VICE PRESIDENT. The resolution will lie on the table.

NEW MEXICO AND ARIZONA.

Mr. SMOOT. I am directed by the Committee on Printing to ask that 75,000 extra copies of House Document No. 106, being a special message of the President of the United States returning without approval House joint resolution No. 14, to admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States, be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, the order is entered.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

Mr. SMOOT. Will the Senator from Minnesota withhold the motion for a moment?

Mr. NELSON. I will withhold it for a moment.

Mr. SMOOT. The junior Senator from Iowa [Mr. KENYON] desired to speak for about 15 minutes. I do not see him in the Chamber.

Mr. NELSON. We can go back into legislative session.

Mr. SMOOT. Very well; the Senator suggests that we can go back into legislative session if it is desired.

Mr. NELSON. I renew my motion.

The VICE PRESIDENT. The Senator from Minnesota moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until Monday, August 21, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate August 19, 1911.

PROMOTION IN THE ARMY.

Under the provisions of an act of Congress approved March 3, 1911, the officer herein named for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm of service since the date of his entry into the arm to which he permanently belongs.

CAVALRY ARM.

Lieut. Col. Hugh L. Scott, Cavalry, unassigned, to be colonel from August 18, 1911.

PROMOTIONS IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1911, to fill vacancies:

James F. Carter and

George C. Day.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1911, to fill vacancies:

Chauncey Shackford,
Edward S. Jackson, and
Henry L. Wyman.

Lieut. Hilary H. Royall to be a lieutenant commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

Lieut. Samuel B. Thomas to be a lieutenant commander in the Navy from the 8th day of March, 1911, to correct the date from which he takes rank, as confirmed on July 6, 1911.

Lieut. Frederick J. Horne to be a lieutenant commander in the Navy from the 19th day of May, 1911, to correct the date from which he takes rank, as confirmed on June 27, 1911.

Lieut. Edgar B. Larimer to be a lieutenant commander in the Navy from the 14th day of June, 1911, to correct the date from which he takes rank, as confirmed on August 5, 1911.

Lieut. Daniel P. Mannix to be a lieutenant commander in the Navy from the 13th day of July, 1911, to fill a vacancy.

Medical Inspector Oliver Diehl to be a medical director in the Navy from the 20th day of July, 1911, to fill a vacancy.

Surg. Charles H. T. Lowndes to be a medical inspector in the Navy from the 20th day of July, 1911, to fill a vacancy.

Asst. Civil Engineer Carroll Paul, with the rank of ensign, to be an assistant civil engineer in the Navy with the rank of lieutenant (junior grade) from the 13th day of March, 1911, to fill a vacancy.

Asst. Civil Engineer Glenn S. Burrell, with the rank of ensign, to be an assistant civil engineer in the Navy with the rank of lieutenant (junior grade) from the 5th day of May, 1911, to fill a vacancy.

Asst. Civil Engineer Ralph Whitman, with the rank of ensign, to be an assistant civil engineer in the Navy with the rank of lieutenant (junior grade) from the 18th day of June, 1911, to fill a vacancy.

POSTMASTERS.

ARKANSAS.

James H. Elkins to be postmaster at Blytheville, Ark., in place of Oscar D. Sanborn, removed.

ILLINOIS.

S. M. Kaisinger to be postmaster at Milledgeville, Ill., in place of Joseph Lawton, deceased.

IOWA.

Fred W. Colvin to be postmaster at Correctionville, Iowa, in place of Adelbert J. Weeks. Incumbent's commission expired December 13, 1910.

KANSAS.

C. C. Clevenger to be postmaster at Osawatomie, Kans., in place of Edward H. Wilson, removed.

MASSACHUSETTS.

John Williamson to be postmaster at Gilbertville, Mass., in place of Charles C. Phelps, resigned.

MISSOURI.

F. K. Allen to be postmaster at Craig, Mo., in place of Philip A. Thompson, removed.

NEW JERSEY.

Frank M. Buckles to be postmaster at Rutherford, N. J., in place of William H. Mackay. Incumbent's commission expired February 28, 1911.

Joseph J. Kennedy to be postmaster at Hoboken, N. J., in place of Edward W. Martin. Incumbent's commission expired June 5, 1910.

NEW YORK.

Roscoe C. Terpening to be postmaster at Richmondville, N. Y. Office became presidential July 1, 1911.

OKLAHOMA.

Bert Campbell to be postmaster at Waukomis, Okla., in place of Hugh Scott, resigned.

OREGON.

Clyde K. Brandenburg to be postmaster at Klamath Falls, Oreg., in place of Robert A. Emmitt, resigned.

PENNSYLVANIA.

David O. Lardin to be postmaster at Masontown, Pa., in place of George W. Honsaker. Incumbent's commission expired February 20, 1911.

Samuel H. Williams to be postmaster at Bellefonte, Pa., in place of Thomas H. Harter. Incumbent's commission expired February 28, 1911.

WISCONSIN.

Oscar D. Naber to be postmaster at Mayville, Wis., in place of Henry Kloeden. Incumbent's commission expired April 9, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 19, 1911.

SECOND SECRETARIES OF EMBASSIES.

Arthur Hugh Frazier to be second secretary of the embassy at Vienna, Austria.

Willing Spencer to be second secretary of the embassy at Berlin, Germany.

SECRETARY OF LEGATION.

G. Cornell Tarler to be secretary of the legation at Montevideo, Uruguay.

CONSUL GENERALS.

Roger S. Greene to be consul general at Hankow, China.
George Horton to be consul general at Smyrna, Turkey.
Edward D. Winslow to be consul general at Copenhagen, Denmark.

CONSULS.

Hubert G. Baugh to be consul at Saigon, Cochin China.
Homer Brett to be consul at Maskat, Oman.
E. Carleton Baker to be consul at Chungking, China.
Robert T. Crane to be consul at Rosario, Argentine Republic.
Frederick T. F. Dumont to be consul at Guadeloupe, West Indies.
Frank Deedmeyer to be consul at Leghorn, Italy.
George F. Davis to be consul at Ceiba, Honduras.
Charles M. Freeman to be consul at Sydney, Nova Scotia.
Allen Gard to be consul at Charlottetown, Prince Edward Island.
Philip E. Holland to be consul at Saltillo, Mexico.
Charles M. Hathaway to be consul at Puerto Plata, Dominican Republic.
Alexander Heingartner to be consul at Liege, Belgium.
Theodore C. Hamm to be consul at Durango, Mexico.
John F. Jewell to be consul at Vladivostok, Siberia.
Henry Abert Johnson to be consul at Ghent, Belgium.
Milton B. Kirk to be consul at Manzanillo, Mexico.
John E. Kehl to be consul at Saloniki, Turkey.
Graham H. Kemper to be consul at Cartagena, Colombia.
Marion Letcher to be consul at Progreso, Mexico.
Charles L. Latham to be consul at Punta Arenas, Chile.
George B. McGoogan to be consul at Georgetown, Guiana.
William C. Magelssen to be consul at Melbourne, Australia.
Charles K. Moser to be consul at Colombo, Ceylon.
Lester Maynard to be consul at Harbin, China.
Robert Brent Mosher to be consul at Plauen, Germany.
Isaac A. Manning to be consul at Barranquilla, Colombia.
Albert W. Pontius to be consul at Dalny, Manchuria.
John A. Ray to be consul at Maracaibo.
Emil Sauer to be consul at Bagdad, Turkey.
Gaston Schmutz to be consul at Aguascalientes, Mexico.
Maddin Summers to be consul at Chihuahua, Mexico.
Walter H. Schulz to be consul at Aden, Arabia.
Ralph H. Totten to be consul at Trieste, Austria.
Edwin W. Trimmer to be consul at Niagara Falls, Canada.
Thomas W. Voetter to be consul at La Guaira, Venezuela.
Adolph A. Williamson to be consul at Antung, China.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. J. Walker Benét to be colonel.
Maj. Odus C. Horney to be lieutenant colonel.

CAVALRY ARM.

Lieut. Col. John C. Gresham to be colonel.
Lieut. Col. Walter L. Finley to be colonel.
Maj. Harry C. Benson to be lieutenant colonel.
Maj. George H. Sands to be lieutenant colonel.
Capt. Charles A. Hedekin to be major.
Capt. Francis J. Koester to be major.
First Lieut. Casper W. Cole to be captain.
First Lieut. Edmond R. Tompkins to be captain.
Second Lieut. George Dillman to be first lieutenant.
Second Lieut. Philip J. R. Kiehl to be first lieutenant.
Second Lieut. William C. F. Nicholson to be first lieutenant.

COAST ARTILLERY CORPS.

Lieut. Col. Adelbert Cronkhite to be colonel.
Maj. Herman C. Schumm to be lieutenant colonel.
Capt. James F. Brady to be major.
First Lieut. Lewis Turtle to be captain.
Second Lieut. Charles A. Eaton to be first lieutenant.
Second Lieut. Rollin L. Tilton to be first lieutenant.
Second Lieut. James L. Dunsworth to be first lieutenant.
Second Lieut. Dana H. Crissy to be first lieutenant.
Second Lieut. Francis G. Delano to be first lieutenant.

Second Lieut. Raphael R. Nix to be first lieutenant.
Second Lieut. James L. Walsh to be first lieutenant.
Second Lieut. Henry H. Malven, jr., to be first lieutenant.
Second Lieut. Edward L. Kelly to be first lieutenant.
Second Lieut. Thruston Hughes to be first lieutenant.
Second Lieut. Charles B. Meyer to be first lieutenant.
Second Lieut. Frederick A. Mountford to be first lieutenant.
Second Lieut. Fordyce L. Perego to be first lieutenant.
Second Lieut. Philip S. Gage to be first lieutenant.
Second Lieut. Monte J. Hickok, to be first lieutenant.
Second Lieut. Frederick Hanna, to be first lieutenant.
Second Lieut. Theodore M. Chase, to be first lieutenant.
Second Lieut. William C. Koenig to be first lieutenant.
Second Lieut. Harry W. Stephenson to be first lieutenant.
Second Lieut. John J. Thomas to be first lieutenant.
Second Lieut. Herbert H. Acheson to be first lieutenant.
Second Lieut. Willis Shippam to be first lieutenant.
Second Lieut. Frank A. Buell to be first lieutenant.
Second Lieut. Loren H. Call to be first lieutenant.
Second Lieut. Frank D. Applin to be first lieutenant.

TO BE CHAPLAIN WITH RANK OF MAJOR.

Chaplain Thomas J. Dickson to be chaplain with the rank of major.

PAY DEPARTMENT.

Maj. James B. Houston to be Deputy Paymaster General with the rank of lieutenant colonel.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Henry Leland Akin.
John Barnwell Elliott, jr.
Cyrinque Joseph Gremillion.
Robert Russell Hollister.
Albert John Hoskins.
James Kenan.
Robert Thomas Legge.
Edgar Webb Loomis.
Charles McVea.
Francis Marion Pottenger.
Herbert Wellington Taylor.
Charles Ellsworth Treibly.
Louis Joseph Aloysius Sebille.

PROMOTIONS IN THE NAVY.

Capt. Bradley A. Fiske to be a rear admiral.
Lieut. Commander Noble E. Irwin to be a commander.
Lieut. (Junior Grade) William A. Hall to be a lieutenant.
Lieut. (Junior Grade) Thomas Withers, jr., to be a lieutenant.
Lieutenant commanders to be commanders:
James F. Carter, and
George C. Day.
Lieutenants to be lieutenant commanders:
Chauncey Shackford,
Edward S. Jackson,
Henry L. Wyman,
Hilary H. Royall,
Samuel B. Thomas,
Frederick J. Horne,
Edgar B. Larimer, and
Daniel P. Mannix.
Medical inspector to be a medical director:
Oliver Diehl.
Surgeon to be a medical inspector:
Charles H. T. Lowndes.
Assistant civil engineers, rank of ensigns, to be assistant civil engineers, rank of lieutenants, junior grade:
Carroll Paul.
Glenn S. Burrell, and
Ralph Whitman.

POSTMASTERS.

COLORADO.

Robert E. Hanna, Windsor (late New Windsor).

GEORGIA.

George E. Ricker, Fitzgerald.

ILLINOIS.

Cornelius T. Beekman, Petersburg.
Henry P. Hurd, Odin.

INDIANA.

Francis E. Garn, Plymouth.

IOWA.

Ed L. Richardson, Cumberland.

KANSAS.

C. C. Clevenger, Osawatomie.
C. K. Gerard, Leoti.

MAINE.

Thomas E. Wilson, Kittery.

NEBRASKA.

John Fenstermacher, jr., Cedar Bluffs.

NEW JERSEY.

F. M. Buckles, Rutherford.
J. J. Kennedy, Hoboken.

PENNSYLVANIA.

D. O. Lardin, Masontown.
S. H. Williams, Bellfonte.

SOUTH DAKOTA.

Joseph P. Purintun, De Smet.

REJECTION.

Executive nomination rejected by the Senate August 19, 1911.

POSTMASTER.

SOUTH DAKOTA.

Ernest B. Yule, Alexandria.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 19, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art supremely great and glorious, light-giving, life-sustaining Potentate, we humbly acknowledge our indebtedness to Thee for all that we are and all that we can hope to be. We realize our weakness, our frailty, our sins. Have mercy upon us, we beseech Thee, and pardon our infirmities, and out of Thine abundance strengthen us for the remaining duties of life, that we may fulfill our mission upon the earth and pass serenely on at the appointed time, fully prepared for whatever awaits us in the great beyond. And Thine be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 57) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building; and

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.

EXPENSES OF THE PHILIPPINE ISLANDS.

Mr. COX of Ohio. Mr. Speaker, I desire to submit a motion to discharge the Committee on Expenditures in the War Department from the further consideration of House resolution 25, calling upon the President for information with respect to the Philippines.

The SPEAKER. The gentleman from Ohio moves to discharge the Committee on Expenditures in the War Department from the further consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 25.

Resolved, That the President of the United States be, and he is hereby, requested to submit a statement to the House showing the cost which has accrued to the Government of the United States, from the beginning of, and as the result of, the occupation of the Philippine Islands by the United States.

Mr. MANN. Mr. Speaker, I reserve a point of order on that.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves a point of order.

Mr. COX of Ohio. I would suggest that the gentleman make the point of order, because the motion itself is not debatable.

If the gentleman desires to make the point of order, I request that he do it.

Mr. MANN. I am perfectly willing to make the point of order. I thought the gentleman desired to make a statement first.

Mr. COX of Ohio. I am perfectly agreeable to that. The situation to which this resolution relates is this, and particularly the legislative phase of it: Following the appropriation by Congress for the original purchase of the Philippine Islands an appropriation was carried in the fortification bill which related directly and specifically to the Philippine Islands. Some Member of the House unfortunately—and, as I believe, unwisely—made a point of order against the item in the fortification bill and the point of order was sustained. Following this the chairman of the Committee on Appropriations simply increased the total appropriation carried by the fortification bill, and as a result there was no itemization of that part of the appropriation which related to the Philippine Islands. Now, as the result of that, there has been no bookkeeping—if you will permit the wide license of language which that statement implies—by Congress, and we know absolutely nothing with reference to the Philippine cost except the information which was conveyed by two very incomplete and very fragmentary reports which have been submitted to Congress.

Now, as I conceive it, one of the most useful operations in our public life is the element of publicity. Congress must of necessity gain information from the President and the executive departments with reference to public expense, and this information then filters by means of this agency into the legitimate channels of publicity.

I think the gentleman from Illinois will agree that there should be the fullest publicity possible with reference to all expenditures, and we have little or no information with reference to the expenses in the Philippine Islands.

Then, to show a justification for this resolution, I would call to the attention of the House this situation. In 1902 Secretary ROOT was asked for a statement of the Philippine expenses, and he submitted a report which covered the years ensuing between 1898 and 1902.

Since this session of Congress the Committee on Expenditures for the War Department, at one of its sessions, asked Gen. Wood if he could give some approximate idea of the cost of Philippine occupation. He returned to his office and submitted a statement.

Now, I want to call the attention of the House to a very marked discrepancy which appears. In the Wood report it is shown that the Government has expended during the years between 1898 and 1902 almost $7,000,000 for railroad transportation in connection with the Philippine service. The Wood report for the same years states the expense for railroad transportation at $4,800,000, a discrepancy of $2,000,000 with reference to that one item alone.

In a statement, also, which Gen. Wood submitted to the Committee on Expenditures in the War Department he said that the reports of some departments were missing; that he had called for reports from some of the bureau chiefs, but that he had been unable to procure reports from the departments which I will name: The disbursing clerk, the Insular Division, and Surgeon General.

I want to call attention to another significant circumstance. In the statement which Gen. Wood made to the Committee on Expenditures in the War Department he carries absolutely no charge or item for railroad transportation during the year 1908. We all know that there was an expense incurred for that purpose. In 1907 the railroad expense was $667,000 and in 1905 it was $588,000. So it is entirely fair for us to assume that there was an expenditure for railroad expense in 1908.

Another matter. In the Wood report the General says:

> With reference to report of this office of expenditures due to the military occupation of the Philippine Islands from December 8, 1898, to include June 30, 1911, and to the summary of cost, as shown on the past page of said report, it is stated for the information of the Chief of Staff that these figures do not include the cost incurred due to the mobilization and discharge camps in connection with the assembling and mustering out of volunteers and enlisted for duty in the Philippine Islands. This, it is believed, is a considerable item of expense, but can only be obtained by going through all of the records of the supply points of the camps concerned, which would take from three to four months to gather.

I think this circumstance clearly shows the propriety of this resolution, and it should be further stated that practically every executive department of the Government has had something to do with the Philippine service, with the possible exception of the Interior Department, and that they have disbursed money with reference to the Philippine service.

I call the attention of the House to some very important matters which developed in connection with even the fragmentary information which the House now has. It will doubtless be amazing to my colleagues to know that the loss of life in the Philippine Islands has been so great as to compel the expenditure in one year of $200,000 to bring back to this country the remains of officers and men who lost their lives in the Philippines.

Attention is also called to the fact that in one year the transport expenses amounted to more than $10,000,000, almost half of the sum carried by the Army bill in the appropriations made in the year prior to the Spanish War. It has cost between one and two million dollars a year for coal for transports. I notice here that in one year they expended $500,000 for the purchase of some old transports, and then they expended $5,000,000 to repair them.

I do not want to take the time of the House nor tax the patience of my colleagues on the floor, because I know that many other matters are pressing for attention, but I insist that every man within the hearing of my voice will fill the full measure of his duty when he gives support to a resolution to give to the people the truth and the facts and nothing more with reference to this great question.

I want to assure my colleagues that the purpose of this resolution is not to set on foot any muckraking expedition, but we simply desire the cost, or amount of money belonging to the people which has been expended, and, as I conceive it, the resolution is proper and justified in every sense.

Mr. HELM rose.

The SPEAKER. The Chair will state that this motion is not debatable, and gentlemen are proceeding by unanimous consent.

Mr. HELM. I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed for five minutes. In the meantime the gentleman from Illinois [Mr. MANN] reserves his point of order. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. HELM. Mr. Speaker, in order that the House may know the attitude of the committee to which this resolution was referred, I will say that in the first place the resolution gives to the committee no power other than that which it already possesses. The committee had the right, under the rule of the House, to go into the question of expenditures in the War Department with reference to the Philippine Islands. The resolution gave this committee no additional authority, and imposed no additional obligation upon it.

In the second place, according to the program adopted at the beginning of this Congress limiting legislation to certain subjects that do not embrace the subject matter referred to in this resolution and matters of emergency, this could not be considered an emergency measure. The committee did not deem it an emergency matter. They believed that there was no urgent reason for the immediate investigation under this resolution, and that they had the right already to investigate this particular feature of the War Department, irrespective of this resolution. The chairman of the committee had told the gentleman from Ohio [Mr. Cox] that it was ready at any time to have him appear before the committee to make such statement as he saw fit and proper to make, or to make any such investigation as he wanted put on foot. Therefore, under these circumstances, the committee has not seen proper to report this resolution back to the House; for, as I repeat, why should it report back to the House a resolution authorizing it to do a thing which the rules of the House already especially authorize it to do on its own instance, to initiate this investigation if it sees proper.

If this committee sees proper to make this investigation, there will be abundant time for it at the next session of Congress, and the committee have felt under no obligation to press this investigation. I see no reason for hasty action on the part of the gentleman who makes the motion.

Mr. MANN. Mr. Speaker, under this resolution the President is requested to submit a statement to the House showing the cost which has accrued to the Government of the United States from the beginning of, and as the result of, the occupation of the Philippine Islands by the United States.

That is a mere matter of opinion. No two persons, with the same set of books before them, would arrive at the same results as to the cost resulting from the occupation of the Philippine Islands. The resolution does not ask for the cost in the Philippine Islands. No one knows whether you could differentiate this cost from the cost of the Boxer revolution in China.

Mr. CANNON. Or the fortification of Hawaii.

Mr. MANN. We had troops in the Philippine Islands at the time of the Boxer revolution. Who will say whether the cost of sending those troops there should be charged to the Philip-

pine occupation or to our protecting our interests in China? Who will say whether the cost of fortifying Pearl Harbor after our annexation of Hawaii was a result of our occupation of the Philippine Islands? Who will say whether the cost of transporting troops from Fort Myer to the Philippine Islands shall be entirely charged to the cost under this resolution, or whether first you should take out the cost of transporting them from Fort Myer to the Presidio in California? It is a mere matter of opinion. If the gentleman will indicate what figures he wants, or what particulars he wants to cover, I shall have no objection. Already two reports have been asked for and made. The gentleman criticizes those reports because they are fragmentary and not complete, and the only effect of the passage of this resolution, and of obtaining the information which in the opinion of the President should be sent under it, would be to criticize somebody because that information did not include something that somebody thought it ought to include, or did include something that some one thought it ought not to include. The Committee on Expenditures in the War Department have already commenced this investigation. They have full power to determine what in their opinion are costs resulting from the occupation of the Philippines. They have full power to bring out all of that information under the War Department. Other committees on expenditures have the power to bring out similar information under other departments.

The rule is, Mr. Speaker, that a resolution is not privileged which calls upon a department of the Government to exercise its judgment as to what should be done. All you can call for is specific information. Here is a resolution requiring the President to indicate his judgment as to what are the costs resulting from the occupation of the Philippine Islands. We have two Delegates or Commissioners on the floor of this House from the Philippine Islands. The President might think that that was resultant from the occupation of the Philippine Islands or not; or he might think that it was the mere result of sympathy on the part of Congress. It is a mere matter of opinion, and no one's opinion ought to prevail in giving definite results when the matter is under investigation by a committee of the House, which has the right to determine, in its opinion, what are the facts and what are the costs resultant. If the gentleman would even indicate in his speech what information he wants, so that the President will not be criticized for not including something which the gentleman wants, I would have no objection to the passage of the resolution. I do not think we ought to pass a resolution asking the President for his opinion on a subject for the purpose of criticizing that opinion because it does not happen to agree with our opinion.

The SPEAKER. Finding out how much the Philippine Islands cost is purely a question of arithmetic, and the point of order is overruled.

Mr. COX of Ohio. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. Cox of Ohio) there were—ayes 84, noes 85.

Mr. COX of Ohio. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Are we voting on the motion to discharge the committee or to discharge the committee and pass the resolution?

The SPEAKER. We are voting on the motion to pass the resolution.

Mr. CANNON. Mr. Speaker, I thought it was on the motion to discharge the committee from further consideration of the resolution.

The SPEAKER. The Chair's memory is not very accurate about that.

Mr. COX of Ohio. Mr. Speaker, the Chair put the motion for the discharge of the committee, which carried, and that brought the resolution before the House.

Mr. MANN. Mr. Speaker, the gentleman from Ohio is mistaken. The Chair overruled the point of order and put the question at once; that is the first question that was put, and that must be a motion to discharge the committee.

The SPEAKER. The Chair thinks that is correct. The vote is on the motion to discharge the committee. According to the reporter's notes—if the gentleman from Georgia will give attention—the Chair did not put the question on the discharge of the committee.

Mr. COX of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX of Ohio. What is the motion before the House?

The SPEAKER. The motion is to discharge the Committee on Expenditures in the War Department from the further consideration of this resolution.

Mr. COX of Ohio. Mr. Speaker, I ask unanimous consent to make a statement to the House.

The SPEAKER. The gentleman from Ohio asks unanimous consent to make a statement to the House. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Ohio. Not to exceed half a minute. When this matter was first taken up with the chairman of the Committee on Expenditures in the War Department he said that he had no objection to the discharge of the committee, because he was in sympathy with the resolution. It developed that some of his colleagues on the committee are adverse to the discharge of the committee and believe it might establish a bad precedent, and in a desire to be in complete harmony with the wish of the chairman of the committee, I ask unanimous consent to withdraw the request for the yeas and nays.

The SPEAKER. The gentleman from Ohio asks unanimous consent to withdraw the request for the yeas and nays. Is there objection? [After a pause.] The Chair hears none. On the last vote the ayes were 84, the noes were 85, so the motion to discharge the committee is lost.

Mr. HEFLIN. Mr. Speaker, regular order.

The SPEAKER. The regular order is the call of committees.

GOOD ROADS.

Mr. BORLAND. Mr. Speaker, I desire——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BORLAND. I desire to renew the request I made to extend my remarks in the RECORD by inserting some letters on the subject of good roads.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the RECORD on the subject of good roads. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. The most important matter now before the people of this country is the subject of good roads. Its importance lies in the direct bearing it has upon the social and economic welfare of the whole people. It is at the base of the great problem of transportation, that problem which is vital to the interests of all classes—producers, dealers, and consumers.

The rural highway leads from every farm to every market, and over it passes annually the food supplies of the Nation. The condition of our rural highways is not the sole concern of the man who lives upon them, but is the concern of all. We should have the finest roads in this country that wise expenditure and trained engineering skill can produce. They will prove a source of national wealth, a bond of national unity, and a crown of social and intellectual advancement upon the ruddy brow of rural life.

I strongly favor national aid to good roads. Wise conservation means use; the highest possible use of our national advantages for the benefit of all the people.

I take pleasure, Mr. Speaker, in calling general attention to the International Good Roads Congress and Exposition, and for that purpose submit the following important letters:

MAYOR'S OFFICE,
Chicago, June 14, 1911.

To whom it may concern:

This will introduce Arthur C. Jackson, president of the National Good Roads Congress, the National Good Roads Association, and the Illinois State Good Roads Association.

Mr. Jackson is in charge of the plans of the Fourth International Good Roads Congress and Exposition, which will be held September 18 to October 1, 1911, at the Hotel La Salle, Chicago. Addresses will be made by President William Howard Taft, Cabinet officers, Senators and Congressmen, and members of the consular corps.

Mr. Jackson desires to interest you, and through you your city, in the congress and exposition, and I trust that you will give him every consideration in your power.

Yours, very truly, CARTER H. HARRISON, *Mayor.*

AMERICAN CONSULAR SERVICE,
Hamburg, Germany, June 22, 1911.

ARTHUR C. JACKSON, Esq.,
President of the Fourth International Good Roads Congress, Hotel La Salle, Chicago.

SIR: I am in receipt of your official call for the Fourth International Good Roads Congress, and regret that I shall be unable to be present, as I am deeply interested in the subject.

I have had some opportunities to compare the different road-building systems of Europe and the American States, and long since reached the conclusion that what is needed in the United States is not so much information in respect to good roads and how to build them as the creation of a trained army of road engineers, with a chief engineer in charge, and a permanent body of road custodians watching at all times over each mile of completed highway.

If such an organization as they have had for a century in France could be made broadly national, under section 8 of the Constitution, then we might form a corps of engineers whose members could find in their work an organized career upon which they would enter after

graduation from such educational establishment as the admirable École des Ponts et Chaussées in France.

We have all of us observed the considerable amounts of money expended in the construction of first-class highways here and there, which rapidly disintegrate and go to pieces because there is no one to look after them every day in the year, and because of our system of divided responsibility and complete lack of central authority and direction, without which no general system can be established and maintained. There is plenty of good building material in the United States, and almost 90,000,000 of our people are already convinced that a smooth and well-kept highway is desirable; but we have no career like the Army and the Navy and the law to invite young men of capacity to devote their lives to road construction, and to promise them, not merely their daily bread, but the seal of approval in the form of official promotion and recognition.

Until a career is provided so that young men once in it will not be obliged to spend half of their time looking for employment or competing for local contracts, there will be no permanent solution, in my opinion, of the highway problem in the United States. Road building is one of the things which can not be left to private enterprise. The roads belong to the public, and only the Government, either national or local, can keep them up; and it therefore follows that until the necessary instrumentalities are provided for maintaining them well they will continue to be maintained badly.

I have seen in Europe the results of organized road building, and have come into contact with highly educated men who find in their career as road builders all of the joys and compensations which the officers of our Army and Navy obtain in their work, and for many years I have wished that the same avenues of usefulness might be opened to our own young men.

If the National Government once created a system of post roads connecting the great cities of the United States, and maintained them as the Routes Nationales are maintained in France, the influence of example would be so great that in a very few years we should see the local roads built and repaired in the same careful manner, under the auspices of the States and counties. This has been the experience of France, and France is now, and has been for a century, the great teacher of good road building. I am, sir,

Your obedient servant,

ROBERT P. SKINNER,
Consul General.

MISSOURI, KANSAS & TEXAS RAILWAY CO.,
OFFICE OF PRESIDENT AND GENERAL MANAGER,
St. Louis, Mo., May 23, 1911.

ARTHUR C. JACKSON, Esq.,
President Fourth National Good Roads Congress,
Birmingham, Ala.

DEAR SIR: I very much regret my inability, on account of other engagements, to attend your congress, but assure you that the Missouri, Kansas & Texas Railway Co. is greatly interested in the good-roads movement, and hopes to cooperate with the National Good Roads Association in the future as in the past, realizing that the present condition of the public highways retards the development of the country, and involves our road in an annual loss of hundreds of thousands of dollars.

A railroad is strictly a business enterprise, engaged in transportation of people and commodities, and, as by far the greater part of its revenue is derived from the handling of freight, it is obvious that whatever hinders the free and regular movement of the product of the farm or factory restricts the income.

The elimination of grades, the providing of proper drainage, ballast, and steel rails make it possible to haul great loads at a minimum cost. Many millions of dollars are annually expended by railroads in betterments, that a greater volume of business may be handled at less expense. A like expenditure upon the public highways by the State or Nation would produce vastly greater results for the reason that it now costs the farmer from thirty to forty times as much per ton-mile to move his product to the railway station than it costs the railroad to move it from such station to destination.

It is easily possible to cut the cost of highway transportation in half by the construction and maintenance of good roads.

To this end the producer, consumer, and the transportation companies join hands and demand permanent highway construction by the State and Nation, that the cost may be borne by all the people without burden to any.

Very truly, yours,

A. A. ALLEN, *President.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7263. An act to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties;

H. R. 7690. An act to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.; and

H. R. 11545. An act to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund.

CIVIC PROBLEMS.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to print in the RECORD an address, on "Civic problems," by a very distinguished Democrat.

The SPEAKER. Who is he?

Mr. OLMSTED. His name is Woodrow Wilson.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to publish a speech by Gov. Woodrow Wilson on the subject of "Civic problems."

Mr. MANN. That ought to be read by the Democratic side of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

CIVIC PROBLEMS.

[Address delivered Mar. 9, 1909, at the annual meeting of the Civic League of St. Louis by Woodrow Wilson, president of Princeton University.]

Mr. PRESIDENT, LADIES, AND GENTLEMEN:

I think that as I grow older, I grow less and less qualified to make after-dinner speeches; for I grow more and more serious. I have certain friends whom I look upon with hopeless envy; they are so poised, they are so cool; their judgment is always so removed from the heated processes which seem to go on inside myself. For, as I grow older, instead of growing cooler, I grow hotter, and I think that of all the unfavorable seasons for heatable persons, the season through which we have just passed has been the worst. We have had for the past seven years a gentleman at the head of the Government whose purpose seemed to be to keep us all at white heat, and for a person so susceptible to that condition as myself, it has been a very serious series of years. Because there are various sorts of warmth. There is the warmth by which you are attracted, and there is the warmth by which you are repelled—and I am not sure which warmth excites you the most, though I am sure which makes you genial and which makes you disagreeable.

We have gone through a season, as I just now playfully said, of heat, of excitement. When we do not wish to speak disparagingly, but wish to speak hopefully, we say that it has been a season of awakening, of moral and civic awakening; and we take heart from the circumstance that we are now at last aware of the difficult problems we have to solve; aware of the abuses which have sprung up in this country, and of the necessity that we are under to correct those abuses by any process which will be effectual.

I hope that we realize, however, that we have gone through merely a process of awakening. I hope we realize that we have in fact accomplished almost nothing. It is one thing to be cried wide awake by the rumors of trouble, and it is a very different thing, indeed, to correct the trouble which our now wide-open eyes perceive. It seems to me, therefore, that we have now come to the most interesting, because the most difficult, period of our recent national life. We must now stop preaching sermons and come down to those applications which will actually correct the abuses of our national life, without any more fuss and without any more rhetoric. For a nation of the American disposition, that is a very unpromising prospect—not to be expected to talk, but to be expected to work in the stubborn stuffs of human nature and to correct those things which all of us know reside potentially in ourselves.

You know it was one of the whimsical remarks of Mr. Carlyle, Thomas Carlyle I mean, that the problem of politics was how, out of a multitude of knaves, to make an honest people. Even if you were to admit that every nation is made up of a multitudeof knaves, I do not think that the problem is entirely hopeless, even in Mr. Carlyle's terms. I picture it to myself in this way: Suppose that you were one of a multitude made up, as we often see multitudes made up now, a multitude seated around a great amphitheater in the midst of which is an open space upon which a great game was to be played—let us say a football game—and suppose that two men not in football suits, not expected to do the rough and tumble work of the game, were to emerge upon the open space, and there in your presence were presently to come to blows. You would instantly condemn them, and the interesting part of it is that probably one of them said an intolerable thing to the other, and that if you or I—I am now referring to the gentlemen in the room—had been in the same position, the same result would have followed. The remark would have been resented by a blow, the blow would have been returned, and we should have done a thing which, done in that place, would have been more intolerable as an exhibition of manners than if done anywhere else. The point is that the men in that audience who condemned the action would probably have acted in the same way; but not being concerned, and therefore being in their right minds, they condemn the thing. Similarly, the hope of every nation with regard to each transaction is that most persons are with regard to that matter, disinterested; most persons are in possession of their calm judgment, and can pass judgment upon it though they may not be superior to the persons concerned. That is the way in which out of a multitude of knaves you can make an honest people. There are enough of them not to receive the heat of the temptation or the heat of the passion. They stand off and judge those who are in danger of forgetting themselves.

That therefore is the task that is before us, not merely to resist temptation ourselves, but to judge and deal with those who yield to temptation. In an age full of temptation, full of concealments, full of coverts, the real trouble about the modern corporation is not that it is a body of conscienceless men, for generally it is not, but that it is so large a body of men that any one of them can run to cover; and that just because, in the language of an old law writer, corporations have neither bodies to be kicked or souls to be damned they are very difficult things to deal with. The only way you can deal with them is by singling out the individuals who have been guilty of the wrong things.

When we come to the civic problems that are before us, we are, as Americans, faced first of all by this singular difficulty, that all our governments, our National Governments, our State governments, our city governments, were made in the eighteenth century. It does not make any difference whether the actual date of a particular State constitution is later or not, it gets its theory and form from the eighteenth century. The eighteenth century was dominated by a particular theory, which was the theory of the universe that we get from Sir Isaac Newton; and every one of these modern governments was made upon Sir Isaac Newton's theory of the universe. It is a mechanical contrivance, the parts of which were balanced off against each other.

Have you never read the theory of the several parts of the Constitution of the United States? Have you never been told how admirable a circumstance it is that the House is balanced against the Senate, that the House and Senate are balanced against the President, that the President and Congress together are balanced against the courts, and the courts against them? You would suppose that in constructing a government we were seeking an equipoise, that we were seeking undisturbed and separate orbits for its several parts; that we dreamed of nothing like cooperation, nothing like union or a single will; that we supposed a contrivance containing as many wills as possible was the best contrivance upon which to model a government. We have been living under an impossible thing—a Newtonian system of government. A government is not a mechanism,

it is an organism; because it consists of us who are organisms. A government must act by some combined force which is the will of one person, or the will of many persons united, and what we are witnessing now and what we have witnessed under the last two Presidents has been the transformation of our Constitution from a Newtonian contrivance into a Darwinian organism.

I was traveling in the train not long ago with a Senator of the United States who had not long been Senator, had not settled down to the disappointments of his life, and he said to me in an almost peevish tone, "I wish the Constitution had not given the President the right to send messages to Congress." And I said, "Why, what harm does it do you?" I said, "Suppose it had not given the President the right to send messages to Congress, you can not imagine it forbidding him to make speeches to the people of the United States." "Now, the difficulty about these messages," I said, "is not that they are sent to you, but that they are published throughout the country, and if the country happens to agree with the message and not with you, I admit it is extremely awkward, and I admit also that you are at a very considerable disadvantage, because all the country hears the message of the President, and only a very small part of the country cares to hear your reply. There is not another national office in this country except the office of President of the United States. Whatever he says is printed everywhere. Now, it unfortunately happens there is not one gentleman in the United States Senate whose remarks are printed everywhere in the United States, and therefore there is no man in the Senate whose voice can compete with the voice of the President. If the country agrees with the President, therefore, the President has you on the run. It is not that it is a message to you, it is an address to the country, and you can not conceive of a constitution in which the President would be forbidden to address the country."

This leadership of one leading person is the Darwinian process. It is the process by which the various organs of a government are being made either to assent or to dissent to some leading series of proposals. There is no government anywhere which can be successfully conducted amidst difficult circumstances on any other plan; and therefore we might as well get accustomed to it now as later, for we shall be obliged to grow accustomed to it some time.

Suppose you constructed any other organism on the Newtonian principle. Suppose my lungs were set off against my liver. I should not care to be an organism at all under the circumstances. Unless there is instant harmony, unless there is constant cooperation among the organs of my body, I would rather be dissolved than not; and there must reign over this organism the domination of a single will. If there were a couple of wills in my head, there would be some disaster in my personal career, as there are disasters in personal careers when there are a couple of wills in the household, because you can not steer by two north stars; you must steer by one.

Our present political process, therefore, is a process of reduction from a mechanical to an organic theory, and it is just as inevitable as the law of nature. Government is a living thing, and not a mechanical contrivance. And yet you will notice that we build not only our State government upon that plan, but conduct our city government upon the same plan. We talk about the "legislative" part of the city government, and the "executive" part, and the "judicial" part, and we separate them so carefully that one would suppose there was something immoral in their communicating with one another.

There is a great moral significance in respect of the situation of our Federal Government in the mere length of Pennsylvania Avenue. The White House is set as far as it can conveniently be set away from the Houses of Congress; and the theory of that is that it is not exactly moral for the President to come to understandings with the Houses. Well, if it is not moral, then we must move them nearer, nevertheless, and have a successful immoral Government, because that is the only way in which it can be conducted. And we must particularly get rid of this idea that the several parts of government must be shy of each other when it comes down to the intimate administrative business which is characteristic of a modern city.

You know we have heard a great deal recently about the government of the country by the people of the country, and I must say that it seems to me we have been talking a great deal of nonsense. A government can be democratic only in the sense that it is a government restrained, controlled by public opinion. It can never be a government conducted by public opinion. What I mean to say is this, that popular initiative is an inconceivable thing. Not only is popular initiative an inconceivable thing, but the initiative of a body of persons no more numerous than this audience is an inconceivable thing. Suppose this company seated here wanted to do something. Can anybody in the room now guess what all the rest of you want to do about anything? The first thing that you would have to do would be to appoint a committee, and preferably a small committee. That committee would retire and bring in certain resolutions. Now, are those resolutions brought in upon your initiative? No; a committee went out upon your initiative, but the resolutions do not come in on your initiative; they come in on the initiative of, I should shrewdly guess, not even of that committee, but of some single member of it; for I have belonged to a good many committees and have never known the initiative of more than one member to be effective. When you began to debate these resolutions, you would be debating the resolutions of a single individual. Your judgment of the resolutions may be a common judgment after there has been sufficient debate to bring you to a common opinion, but there has been no common initiative. There has been the initiative of a single person, or a very small group of persons, and there never can be anything else.

I remember saying this in the presence of a gentleman who had been prominent during one of the spasmodic reforms of the city government of New York, a good many years ago, and he said: "Do you mean to say that the people did not take the initiative in the recent reform in New York City?"

I said, "What did the people do in the recent reforms in New York City?"

"Why," he said, "a committee of 100 was appointed after the Lexow investigation, and reported upon the abuses which had been discovered."

"Yes," I said, "I know; but what did the people do?"

He said, "Why, the people perceived the necessity of reform."

I said, "Was that initiative? You uncovered unsavory things, and they smelled a smell. Is it taking the initiative to smell a smell? All noses can perceive the same odor, but I don't see any initiative in that."

And yet the illustration illustrates. There can be no common movement which does not center upon the proposal of a small number of persons. You never knew of any instance in which that was not true. Let us never dream, therefore, that any body of people can govern upon their own initiative; they can do nothing of the kind. They can ask somebody to govern them, they can criticize that person when he has attempted the task, but they can not govern, they can not originate measures, they can not originate even amendments to measures. All of that must be done by a small number of persons.

And, if you want the real free judgment of opinion which is genuinely democratic, how are you going to get it? There is only one channel, the channel of knowledge. The only way in which to have a common knowledge is to have a common information with regard to what is going on; to have that information absolutely candid; to have it abundantly full, so that there will be no debate as to the facts after the people know the circumstances, and then let opinion form as it will. But that is a process of judgment, it is a process of restraint, it is a process of ascertaining whether the people think the persons with power have exercised that power in a public-spirited way or have not, and that is all that democratic government can ever accomplish. Every time anybody in this country thinks that the people are not taking part enough in the Government, he suggests the necessity of something else the people ought to be asked to do in addition to what they are doing now, or rather in addition to what they are trying to do now, which is only a process of confusion.

I met a young member of the New Jersey Legislature a few months ago, and fell into conversation with him in regard to a commission the desirability of which the legislature was debating, and I said:

"How are the members of the commission to be given their places? By appointment?"

"No," he said, "we thought that it should be left to the people."

"Oh," I said, "what do you mean? That they ought to be elected?"

"Yes."

"Well," I said, "you were elected, were you not?"

"Yes."

"Were you elected by the people?"

He colored a little bit, and said, "Professor, I see you know something about politics."

"Well," I said, "it's my business to know something about politics. I would be ashamed if I did not. Let us get down to business," I said, "I can name the gentleman who elected you; his name is known to everybody in this State; he lives in ——— County; it is not necessary that I should mention him. You were elected by him, not by the people of your district."

"Well," he said, "you can put it that way if you choose."

I said, "Isn't that true? I am not choosing to put it that way; I wish it were not; but isn't that true?"

"Well," he said, "yes; just between us, it is."

I said, "It is interesting to know why that is true. You were elected on a ticket that contained, I will say at a guess, 125 names. Now, there is no community in this country that can select for itself 125 persons to be voted for. It is too elaborate a job; it can not be done in that way. It can select three or four persons, but outside that number I doubt if it can select any."

You have given the people of this country so many persons to select for office that they have not time to select them, and have to leave it to professionals—that is to say, the professional politicians—which, reduced to its simplest term, is the boss of the district. When you vote the Republican or Democratic ticket you either vote for the names selected by one machine or the names selected by the other machine. This is not to lay any aspersion upon those who receive the nominations. I for one do not subscribe to the opinion that the bosses under our Government deserve our scorn and contempt, for we have organized a system of government which makes them just as necessary as the President of the United States. They are the natural, inevitable fruit of the tree, and if we do not like them we have got to plant another tree. The boss is just as legitimate as any member of any legislature, because by giving the people a task which they can not perform, you have taken it away from them, and have made it necessary that those who can perform it should perform it.

You say that your legislatures do not represent you—and sometimes, I dare say, they do not, though I think they are generally just as good as you deserve—and therefore, you say, let us directly vote upon the measures which they vote upon. Do you not see that this is simply adding another piece of machinery which, after you cease to be interested in it, is going to be used by the same set of persons for the same objects? If you do not see it, you will see it after you have tried it awhile.

The direct primary was introduced in a city which I could name, greatly against the opposition of the local bosses, and it had not been operating two years before the bosses said:

"Why, good gracious, we don't see how we got along without this!"

That does not proceed from the professor's chair; that is what the bosses said. I leave it to you to explain; I am not here to explain it—that was the feeling of the bosses. They did not see how they had got along without it.

Elaborate your Government; place every officer upon his own dear little pedestal; make it necessary for him to be voted for, and you will not have a democratic government.

Just so certainly as you segregate all these little offices and put every man upon his own statutory pedestal and have a miscellaneous organ of government too miscellaneous for a busy people either to put together or to watch, public aversion will have no effect on it; and public opinion, finding itself ineffectual, will get discouraged, as it does in this country, by finding its assaults like assaults against battlements of air, where they find no one to resist them, where they capture no positions, where they accomplish nothing. You have a grand house cleaning, you have a grand overturning, and the next morning you find the government going on just as it did before you had the overturning.

What is the moral? This is the moral, which I have presented very often to college classes; and this is the first time I ever presented it to a body of my fellow citizens, outside college halls; because when you think how many fellow citizens I have, the task is discouraging. The remedy is contained in one word, "simplification." Simplify your processes, and you will begin to control; complicate them, and you will get farther and farther away from their control.

Simplification! simplification! simplification! is the task that awaits us—to reduce the number of persons voted for to the absolute workable minimum, knowing whom you have selected, knowing whom you have trusted, and having so few persons to watch that you can watch them. That is the way we are going to get popular control back in this country, and that is the only way we are going to get political control back. Put in other elected officers to watch those that you have already elected and you will merely remove your control one step further away.

Let me take an example. There are a great many persons in this country who are beginning to perceive this in regard to city government; but we are in danger, I think, of going a little too far and a little too fast. Government is a very complicated thing, ladies and gentlemen. If you suppose that one man can wisely be made responsible for the affairs of a great city, you are very much mistaken.

Those affairs are too various and complicated. If you suppose that a very small body of men, five or six, can fairly be made responsible for so complicated a body of business, I think you are mistaken. But, leaving that aside for the moment, I want to call your attention to this significant fact, that the best governed cities in the world are on the other side of the water. I am now comparing our government with those of cities of nations in a like class with ourselves of political development and civilization; and, confining myself to that field of comparison, it is true to say that the best governed cities are on that side of the water and most of the worst governed cities are on this side of the water, and that the American people have a political genius superior to that of any other people in the world.

It can not be an accident that the government of Berlin and the government of Glasgow are substantially alike in principle and organization. It can not be an accident that excellent and truly successful city governments have substantially the same organization, no matter where you find them. And the significant feature of their organization is this—that no voter, roughly speaking, in any one of those cities ever has an opportunity to vote for more than one or two persons in that government.

Take the government of an English or Scottish city, for example. They have a city council, elected not at large but by wards, exactly as we elect them, and each voter has an opportunity to vote for one person, the representative of his ward. These various representatives in council assembled, elect a mayor. The citizen is not troubled with that, for the mayor is merely the chairman of the council, with the powers of a justice of the peace added. The council divides inself into committees on the various branches of the city government, and all the appointments of the city government emanate from those committees. Every action that is taken in council is printed the next morning in the papers, with all the names of those who voted "aye" and all the names of those who voted "no," so that from session to session every voter in the city can see how his representative voted on every question. There is no possibility of shifting a personal, individual responsibility.

You remember one of the most famous cartoons drawn by Thomas Nast in the old days of the Tweed ring of New York. He represented the various members of that ring as standing in a circle. Each man had his thumb toward his neighbor, and each man said, "'twarn't me," and the "'twarn't me" went all the way around the circle. Now, we have devised a "'twarn't-me" system of government, to escape from which we must substitute a system of government in which it will be impossible for any man to shift the responsibility, where we will know exactly what he did, when he did it, and be able to check any statement he may make by our knowledge, as if we had been present.

If you had, in any one ward, to select only one person, do you suppose you would need a political machine to make out your ticket? If you had to elect only one person in any one ward, do you suppose it would take much trouble to know what that person was and what his character was?

In the little borough of Princeton, where I live, I vote a ticket of some 30 names, I suppose. I never counted them, but there must be quite that number. Now, I am a slightly busy person, and I never have known anything about half the men I was voting for on the tickets that I voted. I attend diligently, so far as I have light, to my political duties in the borough of Princeton, and yet I have no personal knowledge of one-half of the persons I am voting for. I couldn't tell you even what business they are engaged in; and to say in such circumstances that I am taking part in the government of the borough of Princeton is an absurdity. I am not taking a part in it at all. I am going through the motions that I am expected to go through by the persons who think that attending primaries and voting at the polls is performing your whole political duty. It is doing a respectable thing that I am not ashamed of, but it is not performing any political duty that is of any consequence. I don't count for any more in the government of the borough of Princeton than the veriest loafer and drunkard in the borough, and I do not know very much more about the men I am voting for than he does. He is busy about one thing, and I am busy about others. We are preoccupied, and can not attend to the government of the town.

That is what I mean by talking of simplification. But I am afraid that we are carrying simplification too far. For example, take the Des Moines and the Galveston plans of city government. If you reduce the number of persons who are to have the full responsibility for conducting the affairs of the municipality to four or five, I doubt if four or five men can thoroughly enough inform themselves with regard to the various things that it is necessary to do through the instrumentality of a modern city government. For you must remember how much we are multiplying our city government's tasks and how impossible it is for a small number of persons really to inform themselves thoroughly with regard to them. I doubt also whether it is wise to have these persons elected on a general vote—that is to say, to have all your candidates at large, not for particular portions or sections of the city; because, in some of our cities there are sections in which there is nothing that can properly be called public spirit which can by combination outvote those sections of the city which can fairly be called public spirited and intelligent. You involve yourselves again in the dangers of a long ticket made up by bargain and conference. By polling the vote as a whole you sometimes secure the domination of the least desired portion of it. It is one of the most significant and discreditable facts of our balloting that the persons we least like to see vote are the ones that always vote, and those we most desire to have vote are the persons who most often refrain from voting. Most of the handsome lessons that I have heard read from lecture platforms about municipal government, have, I have afterwards gathered, been delivered by persons who did not vote at the last municipal election where they lived. It is a very easy question to approach from the outside, but it is a very embarrassing one to approach from the inside.

There are many things to be debated with regard to the detail of distribution, or detail of number; but there is one thing that is not debatable, and that is the necessity for utter simplification. My prediction is that just so soon as you give every voter only one man to vote for, so soon will difficulties in respect to government by the people disappear—and that not until then will they disappear. Give voters five men to vote for, and it is five times less likely that they will do it intelligently and independently than if you give them one man to vote for.

I was trying the other day to count up how many persons a qualified voter in Great Britain can vote for, for any office, and I believe I am correct when I say that there are only two, a member of Parliament, and a member of the county council, or city council, as the case may be. Now, if there were only two persons I ever voted for, I should know more about politics than I do now, and I should never meet a political boss anywhere. There would not be enough for him to do; his business would disappear. I can attend to choosing two persons, but when it comes to choosing 25, I must have experienced assistance.

There is another matter that concerns this whole thing very nearly. Are you going to have representative government, or are you not going to have representative government? With this newly favored method of "recall" exemplified in the Des Moines plan, and the newly popular devices of initiative and referendum, which will work at all only while they are novel and the interest in their use fresh—and I am afraid that will not be very long—it will make mere agents of those whom you trust with your city government, and not representatives. I, for my part, would be willing to be a representative of the people, but I would not be willing to be an agent. I will tell you why I would not be willing to be an agent; that kind of principalship on the part of the people is not based upon an inside knowledge of business. Do you suppose anybody would consent to be a director of an important business corporation if the stockholders could insist upon voting upon any questions that they chose to demand to vote upon, or if the stockholders could withdraw the director at any time they chose to withdraw him? Certainly not, and for this reason: If I am a member of a board of directors, I know a great deal more about the business than anybody outside of that board can know. I have never gone into a committee, I have never gone into an assembly where something was to be debated, from which I did not come out realizing two things: First, that I knew a great deal more about the business than when I went in; and, second, that my own judgment had been materially modified by what the other men had said. There is no sound piece of business that is not based upon the debate of men, all of whom are concerned; and you can not carry that debate outside the body. Why? Well, for one thing, because the body generally consists of persons representing various political opinions. The newspapers read outside by any one person represent only one political opinion. The voters—I say this with regard to intelligent voters, as well as the others—seldom hear more than one side, and the men in the body necessarily hear both sides, and all sides.

If you insist upon having agents, you will have agents. If you want to have representatives, you can get representatives; and representatives will give you better government than agents can possibly give you, as they will try to conduct the business as their own judgment dictates after conference. Moreover, they have time in which to try the thing out and determine whether it is wise or unwise. One of the things of which I grow weary as I grow older is theory, and sentimental theory about all other sorts. When I hear gentlemen say that you must allow the people to have a voice in affairs, I am not in the least interested. I am only interested to hear an answer to this question: How are you going to put your Government in the hands of the people? Concrete methods are the only things worth debating.

We are here to discuss ways and means of getting the Government into the hands of the people to whom it belongs. You know that at present government in the United States is not in the hands of the people. You can go in one direction or the other. You can multiply machinery or simplify it. You have been creating machinery for the past century, and you have been getting further and further away from the people. Is it not worth trying to see if human nature is not the same in the United States as it is in Germany and Scotland? Is it not worth trying to see whether successful popular government is not as good and as practicable in the United States as it is in any foreign country?

I am for the real rights and not the rhetorical rights of the people. I am for those things which are really and practically in the interest of self-government; and I say that the interests of self-government are served by nothing except by reducing the number of elective officers to the absolute minimum of efficiency.

And there is another thing that is imperative, in my mind. It is publicity at every step, so that we shall know what these officials are doing. One of the things that seems most wasteful is the number of governmental reports sent out that nobody reads. We have just had a Monetary Commission traveling all over Europe discovering things that we could have found in books that could have been furnished by the faculty of any university. I don't mean to object to their taking the trip, and I don't mind their getting their minds broadened by contact with public men in other parts of the world, but what I do object to is that they should publish the results of their findings in many ponderous volumes. Nobody, not even the Members of Congress, will ever read their report, and nobody but the commission itself will ever be the wiser for their trip.

I attended a meeting of the National Bankers' Association last autumn, and they were preparing to have all sorts of interesting reports made. I plead with them not to do this in similar fashion. I said, "Be kind enough to have somebody at least digest the reports and set forth the results in a way that an ordinary man can understand." I have never met a banker yet who could explain banking to me in terms that I could understand. I asked what trading on a margin was, and I don't know yet. I suppose if I were to try it once, I would know. I never had the money or the intelligence to understand it without trying it. If information were made intelligible and accessible, then in the course of time people would become really informed. I know hundreds of persons who, if they were allowed to do so, could reduce this lot of information to brief readable pamphlets which everybody could understand. That is the way in which to get information into the hands, and not only into the hands, but also into the heads of the people.

You know that every time a difficult question arises in this country we have to have what we call a campaign of education, and the education has to be given in the briefest, simplest language. The man who is valuable at such a time is the man who knows how to reach people of every sort and kind, and the most unserviceable persons are the persons who really know the most, but have peculiarities, and want to tell you about it continually. The essential part is an outline of the main details.

There is another matter, and that is the salary paid our public officials. We pay them such absurdly small salaries that it is not worth a capable man's while to leave his business and accept office. On such terms you can not get the kind of government you want.

There is another disappointment for which you must prepare yourselves. I was saying to a body of college men the other day that, as I understood it, the task of the college teacher is to make the young gentleman sent them as unlike their fathers as possible; for by the time a man is old enough to have a son in college he has become established and absorbed in a particular business, and his sympathies are largely confined to that business. The object of a college is to regeneralize each generation. We should put our youngsters at as many different points of view as possible, and let them know what other men are doing who are out of the circle of their ordinary acquaintance. We have this interesting reason for this: Every successful business man, while he may not be guilty of accepting money for anything, has

already been bribed. Society as it stands has allowed him to have some of its prizes. Therefore he stands bound to keep society as it stands. The circumstances of his success would be altered by change and his success might disappear. Never allow successful men in the same kind of business to combine in any large affair. Always try to mix interests, because if you do not, you will have a body of gentlemen who are obliged beforehand to reach a particular conclusion.

I am simply stating what every man knows to be a fact; for whenever I have stated this to an audience the men have looked very solemn. There is a famous story told of old Mr. Pettigru, of South Carolina, that having lost a certain case on one occasion, his client called him out of the court and called him all sorts of names, a liar, a thief, and so on; but Mr. Pettigru did not pay the least attention to him until he called him a Federalist. Then he knocked him down. Some one said to him:

"Why did you knock him down for that? It was the least offensive thing he said."

"Yes," he replied, "but that was the only true thing he said."

I noticed a great many solemn faces just now. Every man knows it in his own conscience. He does not want society to be changed so as to disturb him. But society needs change. There isn't any arrangement which you can leave alone. Everything you do needs watching in order to keep it up. Everything you arrange will run down if you do not keep it wound up. The tendency of everything is to deteriorate. Therefore it is constant change that is going to keep things alive.

You can not expect everybody to be a happy person, but you should desire them to be conscientious persons. Constantly knowing his tendency to run down, every man winces under the efforts of the public to wind him up. All of this renewal and correction is an extremely expensive process—expensive in motive power, expensive in time, expensive in the true conceptions—which, if we undertake to make the Government even tolerably good, we must possess. Civic reform is not a matter of enthusiasm for the people; it is a very practical matter of giving the Government to the people. It is a matter of concrete and difficult business, to be arranged on business principles.

We have come to days full of perplexities. Like older countries, we must now do away with ornate ideas in government which can not be realized and devote ourselves to the practical problems which are constantly arising. I believe we are on the eve of one of the most practical eras in the history of American politics. I believe this great awakening which we have experienced in the past 8 or 10 years is an awakening which will lead us all to a hopeful success. I think that nothing is more inspiring than the hope which makes practicable business, nothing more futile than the hope which is carried on the wings of mere ecstasy. Let us come soberly down now to the direct issue—whether we shall or shall not bind ourselves to make this in true, practical fashion a government of the people.

COMMITTEE ON ACCOUNTS.

Mr. HEFLIN. Mr. Speaker, I demand the regular order.

Mr. LLOYD. Mr. Speaker, I wish to present a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri presents a privileged resolution from the Committee on Accounts.

Mr. LLOYD. Mr. Speaker, I understand that there is a kind of an agreement made by which this hour is to be used for other purposes, and I can present this privileged matter later in the day.

CALL OF COMMITTEES.

The SPEAKER. The gentleman from Missouri withdraws his request. The Clerk will call the committees.

SAN DIEGO (CAL.) EXPOSITION.

When the Committee on Industrial Arts and Expositions was called:

Mr. HEFLIN. Mr. Speaker, I am instructed by the Committee on Industrial Arts and Expositions to call up House joint resolution No. 99.

The SPEAKER. The gentleman from Alabama calls up the House joint resolution No. 99, which the Clerk will report.

The Clerk read as follows:

House joint resolution 99, authorizing the President to invite the Republic of Mexico and the Republics of Central and South America to participate in the Panama-California Exposition in 1915, at San Diego, Cal.

Resolved, etc., That the President of the United States of America be, and he hereby is, authorized and respectfully requested, in such manner as he may deem proper, to invite the Republic of Mexico and the Republics of Central and South America to participate in an exposition to be held at San Diego, Cal., from January 1 to December 31, 1915, by the Panama-California Exposition, a corporation organized and existing under and by virtue of the laws of the State of California for the purposes of inaugurating, carrying forward, and holding an exposition in the city of San Diego to celebrate the completion of the Panama Canal.

Also the following report was read:

The Committee on Industrial Arts and Expositions, having had under consideration House joint resolution 99, report the same back to the House favorably and recommend that it do pass.

Mr. HEFLIN. Mr. Speaker, this resolution is unanimously reported by the Committee on Industrial Arts and Expositions. The California delegation is united in its support of the resolution, I understand, and there is no objection, so far as I know, to its passage.

Mr. FOSTER of Illinois. Mr. Speaker——

Mr. MANN. Will the gentleman yield?

Mr. HEFLIN. I yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I would like to inquire of the chairman of the committee if it is true that they are to hold two expositions in California in 1915; and, if true, as it seems to be by this resolution, has there been any indorsement by the National Government of this exposition? I think we indorsed one for San Francisco.

Mr. HEFLIN. They passed a resolution through the House in the Sixty-first Congress fixing San Francisco as the place at which to celebrate the completion of the Panama Canal. Now, this is another exposition, and will be held at San Diego, Cal., under a law passed by the State of California, and carries no expense whatever to the United States Government.

Mr. FOSTER of Illinois. I would like to ask the chairman if it is not a fact that the Government will be called upon to make an exhibit in both these places——

Mr. HEFLIN. No, sir.

Mr. FOSTER of Illinois (continuing). Which will require an expense to the Government?

Mr. HEFLIN. No, sir; not at this place.

Mr. FOSTER of Illinois. Can the chairman give any reason to this House why it is thought it has become necessary, or thought expedient, I might say, to hold an exposition at San Diego? Is it a question of rivalry and jealousy between southern California and the northern part of the State which made it necessary? Is it necessary, in order to satisfy two jealous towns in California, to hold two expositions in that State, and to come to Congress and somehow settle the differences between two cities of the great State of California?

Mr. HEFLIN. Mr. Speaker, I do not know that there is any rivalry between these cities in California, but if that rivalry exists I do not think we are called upon to pass on that question here, since the passage of the resolution will not cost the Government anything. It is simply an invitation to the South and Central American Republics and to the Republic of Mexico to participate in an exposition to be held in the United States, and if this House can by this invitation be instrumental in bringing these people to San Diego, Cal., to the proposed exposition, I do not see why we should not do so.

Mr. FOSTER of Illinois. Can the chairman inform the House whether these two expositions are to be run simultaneously in this State?

Mr. HEFLIN. During the same year. The idea is that the people who come to San Diego can then go up to San Francisco and those who go to San Francisco may have the pleasure of going down to see the delightful city of San Diego.

Mr. FOSTER of Illinois. In order to catch them all away across the State?

Mr. HEFLIN. Going and coming. [Applause.]

Mr. GARDNER of Massachusetts. Will the gentleman from Alabama restate what he said in answer to the question as to whether this exposition later on will or will not demand a Government exhibit?

Mr. HEFLIN. No, sir. The author of the resolution denies that that is true.

Mr. GARDNER of Massachusetts. Is the gentleman perfectly sure that they will not ask the Government to make an exhibit?

Mr. HEFLIN. I will yield to the gentleman from California [Mr. RAKER], the author of the resolution.

Mr. RAKER. Mr. Speaker, in presenting this matter to the Committee on Industrial Arts and Expositions, the manager, or the man at the head of that exposition, having the power from the exposition, informed the committee, informed me, and I, in turn, informed the House, that there will be no request by the San Diego people for a Government expenditure at that exposition. Furthermore——

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. GARDNER of Massachusetts. I ask the gentleman whether there will be a demand for a Government exhibit?

Mr. RAKER. I shall try to answer the question of the gentleman by saying no, as I am informed by all of those interested.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from California yield to the gentleman from Iowa?

Mr. RAKER. I do.

Mr. GARDNER of Massachusetts. I shall ask the gentleman from Alabama [Mr. HEFLIN] to give me a little time later on to discuss this question.

Mr. KENDALL. I want to ask the gentleman from California if it is proposed that this Government shall invite foreign nations to participate in this exposition without itself having an exhibit there or without providing entertainment or any recognition of the fact that the representatives of foreign nations are there?

Mr. RAKER. The purpose of this exposition is——

Mr. KENDALL. Is that contemplated, I will ask the gentleman?

Mr. RAKER. Let me answer the gentleman's question. The purpose is to illustrate at this exposition the development of irrigation and the development of the resources of the great Southwest and to a certain extent, also, to illustrate the lives, tribal history, and customs of the various Indian tribes of this country and of South and Central America, and to invite the Republics of South and Central America to participate. And the purpose of this resolution is to authorize the President to request and invite foreign nations to participate in this exposition.

Mr. KENDALL. Will the gentleman yield further?

The SPEAKER. Does the gentleman from California yield to the gentleman from Iowa?

Mr. RAKER. I will.

Mr. KENDALL. Of course, the purpose of this exposition is obvious from the terms of this resolution. The terms of the resolution direct the President to invite the foreign nations to participate in this exposition, and I thought it is proposed that they provide exhibits there illustrating the wealth and development of their country——

Mr. RAKER. Yes——

Mr. KENDALL. And are we to invite them without making any exhibit of our own resources?

Mr. RAKER. I will say to the gentleman from Iowa that the Southwest and California will make such an exhibit as will astonish the world. The San Diego exposition is to be devoted to a demonstration of irrigation, cultivation, and reforestation of arid lands, and of the development and resources of the great Southwest, and to such an exhibition illustrative of the lives and the tribal history of the various Indian tribes and natives of the United States and of Central and South America as would arrest at once the attention and the interest of ethnologists the world over in a race that is fast passing away. Such an exhibition of Indian life has never been successfully attempted in the world's history. It is proposed to make it so complete at the San Diego exposition as to cover all that it is possible to learn of the Indian and his life and manners. As well said by John S. McGroarty:

The place of San Diego de Alcala, the Harbor of the Sun, is the Place of First Things, where California began. It was the first American harbor, as the United States is now constituted, to hail a white man's sail, as it was the first port of home on the Pacific to greet and welcome the ships of the mighty armada that sailed from Hampton Roads, under command of the fighting admiral, on that epoch-making day of December 16, 1908. Here was reared on America's western shores the first cross; here the first church was built and the first town. It was here, too, that sprang from primeval wastes the first cultivated field, the first palm, the first vine, and the first olive tree to blossom into fruitage beneath a wooing sun from the life-giving waters of the first irrigation ditch. And here also was flung to the winds of conquest in the West the first American flag. The Harbor of the Sun will still be first, through the centuries to come, to greet the ships that sail from Ind or cleave the continents in twain with eager prows through Panama.

San Diego is very old in history, yet very young in destiny. She looks back on a past that stretches nearly 400 years into the now dim and misty pathways of civilization. She knew the white man's wandering ships before Columbus was much more than cold in his grave. Her tiled rooftrees and her Christian shrines sang to the crooning tides before the Declaration of Independence was signed and before Betsy Ross wove from summer rainbows and wintry stars the miracle of Old Glory.

Yet upon the ruins of a past hallowed and sacred and great with the memories of strong men, San Diego thrills to-day with youth as lusty as the youth of Hercules. Where once rocked the galléons of the Spanish explorers now anchor the mighty leviathan burden bearers of all the seas. In the canyons of the giant hills from which crept the uncertain streams that watered Junipero Serra's first mission fields are now stored reservoirs of water that would care for San Diego though she were twice her present size and though never a drop of rain were to fall for a thousand nights and a thousand days. Serene she sits at last upon her golden hills, her voice vibrant with the song of Destiny.

It is a fact that human nature is and always has been so constructed as to be vastly more interested in the past than in the future. Go with the strenuous, plunging business man of to-day as his guest at dinner in his home, and he will show you his new house and its magnificent new furnishings with infinitely less pride than he shows you an old pewter mug that was handed down in the family from a great-grandmother, or a clock that stood in the baronial hall of a dead-and-gone ancestor, or a sword that some fighting forebear swung on a battle field long buried in the dust of time. And it is well that this is so. There is no better trait in man than his reverence for the past.

And nothing fascinates us more than a relic of a bygone time or the ruin of another civilization than our own, or the evidence of man's existence in an age that was without civilization. In the lure of this world-old fascination, thousands upon thousands of travelers cross the Atlantic from this country every year to look upon the ruins of the Acropolis, to walk the streets where Cæsar wheeled his chariot to a bloody death, or to tread with solemn step the Sorrowful Way over which the Prince of Peace bore the heavy cross on which they slew Him. No man is above the lure of things like these. It was the fascination of this idea that led Napoleon to chisel the names of his soldiers on the Pillar of Pompey and to say to his armies as they stood under the shadows of the Pyramids, "Soldiers of France, fourteen centuries of time look down on you this day."

It is a fascination easily explained. The life of man is brief, and knowing this to be so, he is overawed and mystified by the knowledge that his prototype in past ages and aeons struggled onward toward a greater light in the little hour that was his before the old, gray earth gathered him back to its bosom as a mother enfolds a tired child to her arms in the forgetfulness of sleep.

In the truth of all this, we do not wonder that San Diego lures the wanderer and the traveler from every land, as well by the charm of her wondrous beauty and her gateways to opportunity as by the glamor and fascination of a past rich in romance as a lover's dream. For it was upon the glinting waters of San Diego's Harbor of the Sun and upon her shining hills that our California of to-day drew its first breath of life and ventured its first uncertain footstep on the long road to power and fame and greatness.

It was the voyage from Mexico—the "New Spain" of those days—of Juan Rodriques Cabrillo, "brave old Cabrillo of the ships," that marked the first successful attempt to carry out the exploration of the fabled land to the north which red-handed Cortez and his successors believed to be India, not knowing it was a richer and more beautiful country. So, on a golden morning of September, 1542, Cabrillo with his swart sailormen steered their two brave little windjammers, the *San Salvador* and the *Victoria*, into San Diego's harbor of the sun. Never before had the eyes of Caucasian man looked upon it; wherefore the name of Juan Rodriques Cabrillo became immortal. Never shall time blot out his name, or the memory of his name, until God shall call back the sea and the last chantey is sung. Yonder, northward on the golden coast, somewhere on an island that hears the mission bells of Santa Barbara in the hush and quiet of Sabbath mornings, he sleeps the last long sleep, heedless of passing sail and singing tide. And so God rest him, the immortal Portuguese who was first to "put San Diego on the map."

THE HARBOR OF THE SUN.

In all the world there is no more beautiful estuary than the Bay of San Diego. It was in the gladness of His dreams God made it, when He fashioned our beautiful earth and flung it from the hollow of His hand through myriad meteors and the shimmering tracery of the stars. You have but to look at your map of the globe to grasp instantly the fact that San Diego Bay was intended by nature to be one of the most magnificent of harbors. On all the wide-flung pathways of the seas since the Phœnicial ventured them never has prow sought a safer haven from wind and storm.

Lying landlocked under the bluest of ever-faithful skies, the navies of all the world might anchor within the 22 square miles of the harbor and still have room. Let commerce crowd its sunny gateway as it will to-morrow and throughout all the to-morrows that are to be, there will still be place and more within the gate for all that come. When the argosies of the great ocean and all the oceans and the masts of the seven seas, hastening through Panama, shall signal San Diego, as they must, she will beckon them to enter, no matter how many they may be, that they may find waiting the spoils of desert and plain and hill and valley to carry back with them to Europe and Africa, the limitless Orient, and far Cathay.

All this for him who dreams of conquest, of roaring wheels and smoking funnels, caravans, and the trading marts. But they, nor those who would whip the seas with commerce and crowd the land with trade, can rob him who is but a dreamer of dreams of San Diego. Still will break above the dear and lovely morning hills the glory of the dawn. Still will sunset's purple wrap in its royal robes the crooning waters, headland and cape, and the long swinging reaches of white-swept shores. Peace will be there—peace and rest and infinite content breathed like balm on the waters and the circled clasp of bright lomas in the harbor of the sun. Men shall come to dream—each with what dream he loves the best—and if they go it shall be but to come again. In the heart of man there are two times of longing—the time of youth, that longs for wealth and power, and the time of retrospect, when the soul grows wiser. And for these times, and all times, the harbor of the sun waits with both a solace and a reward.

SAN DIEGO'S MOUNTAIN VALLEY.

It would seem that San Diego has more than her share of good fortune in her bay and the charm that environs it, yet she has in reserve a charm fully as great in the mountain valleys that lie within the clasp of the mighty hills above and all around her. Over vast sunlit passes and down through a thousand winding trails of glory these marvelous vales lie in wait for the traveler with an endless kaleidoscopic delight. In changeful series, one after another, they lure and beckon the wayfarer eagerly and with a joy indescribable. The road that leads to them is easily found, and there's many a hospitable shelter on the way.

In these wonderful valleys and uplifted hills still linger memories of the romantic past. Upon the way are the remains of olden shrines; an ancient mission bell suspended from scarred and weather-beaten timbers, all that remain of a chapel; fields where battles were fought, and the pathetic wrecks of villages where, solemn and pleading, linger the remnants of a race starved and wronged and outraged through years of cruel neglect. You shall see them still in the wild outposts of Campo and in places near—they who once were the sole possessors of all this beauty. No more is theirs the land that rose like a dream of paradise before the enraptured eyes of Cabrillo of the ships in the long dead centuries of the past; no more is the kindly care of the padres thrown around them. Against the greatness of to-day, they stand as the sole pitiful, hopeless protest—the one sad blot on the enthralling picture.

SAN DIEGO THAT IS TO BE.

In the days to come—and that are coming thick and fast—San Diego will rank among the great cities of the world; no doubt of that. God made much land and still more sea, but he did not make many harbors that man can use handily. And when the engineer draws his calipers upon the maps it is seen that what harbors there are have been placed where they ought to be.

And now, as time advances the work of man to meet his needs, the bay of San Diego comes to its own. Behind it lie the fertile hills, the great plains, and the limitless desert made opulent by the irrigation ditch and canal. From these, even now, come teeming the wealth of farm and orchard and forest to find outlet and the waiting barter on the shores of the great ocean. Where rail and sail meet is the gateway of San Diego. The day when she depended on men to make her great is past, and the day has come when men depend on her to make them great.

The San Diego of to-morrow will be a place of crowding domes, that will stretch upon the wide-flung uplands everywhere that the eye can see. Ships shall come and go ceaselessly into her wondrous harbor, and she shall match the glory of Carthage and of Tyre that was of old.

Then, as now, men will journey far across many lands and many waters to look upon her beauty. Then, as now, men will come to her for peace or gain, each as his need may be. Nor shall her beauty fade or her glory vanish. What she has wrought and what she has won

shall still be hers through all the centuries to be—the place where Padre Serra knelt; the Place of First Things that guards the Harbor of the Sun.

Mr. KENDALL. Yes; I understand that southwestern California will make an exhibit, but I want to know if we, as a Government, are to do anything officially?

Mr. RAKER. As I understand from the resolution, no.

Mr. SIMS. Mr. Speaker, will the gentleman yield for a question?

Mr. FOSTER of Illinois. This resolution says "for the purposes of inaugurating, carrying forward, and holding an exposition in the city of San Diego to celebrate the completion of the Panama Canal."

Mr. MANN. Mr. Speaker, I ask for order. I have no doubt this conversation is very interesting, but it can not be heard.

Mr. FOSTER of Illinois. Mr. Speaker, the latter part of the resolution says that the celebration is to be held to celebrate the completion of the Panama Canal.

Mr. RAKER. Surely.

Mr. FOSTER of Illinois. Not for the purpose that was stated in the letter that was read a minute ago.

Mr. RAKER. Well, we can celebrate the opening of the Panama Canal by showing those things that we have there, and by inviting the people of the world who will come to the celebration of the opening of the Panama Canal to see what we have in southern California as well as in the north.

Mr. FOSTER of Illinois. I thought the exposition to be held in San Francisco was for that purpose.

Mr. RAKER. Oh, the State of California is so great and so large, and it has so many resources and its extremities are so many hundreds of miles apart that a man might forget, when he is in the northern part of California, that there is a southern part. The purpose is to give an opportunity to visitors to come to the south first and then travel a thousand miles to the north, or vice versa.

Mr. FOSTER of Illinois. I admit that the State of California is a wonderful State.

Mr. RAKER. There is no doubt of it.

Mr. FOSTER of Illinois. But it seems likely that back of this proposition there has been some jealousy between the two cities, San Francisco and San Diego, and it seems the intention is to catch the visiting people and show them from one end of the State to the other. It simply demonstrates how smart the people of California are in a business and enterprising way, and I congratulate them on their being able to carry through such a project as this. [Laughter.]

Mr. SIMS. Mr. Speaker, will the gentleman yield for a question?

Mr. RAKER. I will.

Mr. SIMS. I have seen so many of these things come up when these invitations are authorized and the invitations are then given, where it has been understood that they will cost the Government nothing, and afterwards it arises that the Government will be humiliated unless it cares for all these foreign visitors, and subsequently an appropriation is asked for that purpose, which was not contemplated in the beginning; and, further, there are usually appointed commissioners who are paid out of the Treasury of the United States. I ask the gentleman from California, how about that?

Mr. RAKER. I am glad to answer that, and I will be glad to have opportunity to explain it fully. I have stated to these exposition people and to the managers of it, and I have stated the fact on the floor of this House and have explained the matter to the Secretary of State and have told him the same thing—that no expenditure should be made by the Government and no commission paid by the Government of the United States. If the President, in his wisdom, saw fit to ask that a commission of three or five be appointed, we were willing that the plan should be followed, and if the President were to select good, competent men for the city of San Diego, the city will put in the bank the money necessary to pay for these commissioners out of its own pocket.

Mr. SIMS. That is very good. That is better than is usually done.

Mr. HEFLIN. I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I hope this resolution will not pass, because I believe that the activity of the United States Government in the direction of expositions should be curtailed instead of being expanded. For several years I was chairman of the committee of which the gentleman from Alabama is now chairman. I served on it several years before I was chairman, and it was my observation that the entering wedge for Government aid in the case of almost every exposition was introduced by a proposition very similar to this.

Here is what happens, Mr. Speaker: Suppose we invite the Republic of Mexico and the Republics of Central and South America to participate in this exposition. The first question which they ask our commissioners is this: "Is the Government of the United States itself going to participate?" Whereupon the pressure upon the Committee on Industrial Arts and Expositions is sufficient, or at least during my service as chairman it always was sufficient, to secure the favorable report of a bill for a United States Government exhibit at all expositions in which foreign nations had been invited to participate.

Not only have we voted money for Government exhibits, but frequently, in addition, we have been compelled to appropriate large sums for the general purposes of the exposition, either disguised as loans or in some other form.

Another thing which happens from time to time is this: We often receive requests from foreign governments to participate in small expositions, for instance, at Milan, or at Bruges, or at Liege. Frequently we feel that we ought not to spend the money requisite for participation. We are then face to face with the fact that these foreign governments have in the past accepted our invitations, and we hardly find ourselves in a position to refuse theirs. No matter how small the exposition city may be in Mexico or in Central or South America, if we invite those governments to participate in a small exposition in San Diego, we must return the compliment. So if any gentleman thinks that because this resolution, innocent in itself, does not cost the Government a penny of money, I state it to the best of my recollection that no resolution of this sort has been passed in the last 10 years which has not sooner or later cost the United States Government a great deal of money, directly or indirectly.

Mr. BARTLETT. Mr. Speaker, is it not a fact that the exposition at Buffalo and the exposition at Charleston, S. C., both obtained assistance from the Government of the United States under innocent-looking resolutions almost identical with this one?

Mr. GARDNER of Massachusetts. And the exposition at Jamestown, also. When once we had issued the invitations, we could hardly avoid further responsibility for the success of the undertaking.

Mr. BARTLETT. Is it not a fact, also, that the United States ought not to invite guests to its shores unless it makes some provision for their entertainment?

Mr. GARDNER of Massachusetts. I absolutely agree with the gentleman on that point. That was one of the strongest arguments which was continually made to the committee and to the House of Representatives to induce us from time to time to appropriate money for these American expositions.

I wish particularly to point out that these invitations not only involve us in further expenses connected with our own expositions, but as a matter of international courtesy, when we have invited cooperation from Central and South American countries, for instance, we are bound to reciprocate when they ask us to exhibit even in their lesser cities.

Mr. KINKEAD of New Jersey. Mr. Speaker——

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from New Jersey?

Mr. GARDNER of Massachusetts. I do.

Mr. KINKEAD of New Jersey. As I understand the situation, the Government has already invited the countries mentioned to participate in the Panama Exposition at San Francisco. Does not the gentleman think it probable that if the State of California should extend an invitation to the vessels assembled there to participate in the San Diego exposition, they will gladly do so, thereby making it unnecessary for the Government of the United States to do anything in this matter at all?

Mr. GARDNER of Massachusetts. I think that the gentleman from New Jersey has stated the case substantially correctly.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. HEFLIN. Mr. Speaker, I want to say in reply to the gentleman from New Jersey and others who have inquired about the expense of this exposition, that I stated there would be no expense on the part of the United States Government. The director general in the hearings before the committee said:

> I want to go on record as saying that under no circumstances will the San Diego Exposition ask the Government for any appropriation in aid of this exposition.

Now, Mr. Speaker, this exposition is for the purpose of a demonstration of irrigation, cultivation, and reforestation of the arid land and of the development and resources of the great Southwest.

I ask the gentleman from Massachusetts [Mr. GARDNER] if he wants to go on record as opposing this meritorious measure which seeks to bring people here from South and Central America on a visit to the United States, the greatest Government on the globe, the most progressive people on earth, that they may learn from us how to take care of their land and forests and come to know us better and make our trade relations closer with them, which will open new markets for our products. Why withhold this invitation that means so much to them and which will be of advantage to us? People down there have raised and provided over $6,000,000 to defray the expenses of this exposition. This resolution was prepared in the Secretary of State's office and has the indorsement of the Secretary of State, I understand. Why, then, will gentlemen undertake to oppose this measure? Now, I do not desire to consume the time, for there are other committees that wish to report.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. HEFLIN. I will.

Mr. HUGHES of New Jersey. Will the gentleman permit me, before he moves the previous question, to offer an amendment providing that the President shall transmit the invitation on behalf of the citizens of San Diego? I will say to the gentleman that I have heard this talk about the Government not being called upon to make financial contributions to the exposition before. That talk may be all right to feed new Members on, but we are not impressed with it.

Mr. HEFLIN. No; the committee has unanimously reported the resolution as it stands, and I see no objection to it under the circumstances.

Mr. HUGHES of New Jersey. Does the gentleman propose to move the previous question at the end of the debate without giving an opportunity to offer an amendment? If he does, I for one shall vote against the resolution.

Mr. HEFLIN. I should like to accommodate the gentleman and give gentlemen time to amend the resolution, but there are some who seem to want to delay and filibuster, and in order that I may be able to test the judgment of the House I will move the previous question.

Mr. MANN. Will not the gentleman yield some time to this side?

Mr. HEFLIN. We have already consumed as much time as I think is necessary.

Mr. MANN. As much time as the gentleman wants to consume.

Mr. CANNON. Will the gentleman yield for a question?

Mr. HEFLIN. I will.

Mr. CANNON. Will not the gentleman have read the communication from the Secretary of State?

Mr. HEFLIN. I do not understand the gentleman.

Mr. CANNON. As I caught the remarks of the gentleman, the Secretary of State prepared this resolution and communicated a recommendation to the House. I should be glad to have it read.

Mr. HEFLIN. The Secretary of State did not communicate any recommendation to the House, but the bill was prepared in the Secretary of State's office in the presence of the California delegation.

Mr. CANNON. Oh, they utilized a clerk to draw the resolution. [Laughter.]

Mr. MANN. Mr. Speaker, I ask the gentleman to yield me 10 minutes.

Mr. HEFLIN. I will yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, the other day we passed a resolution concerning a celebration in Florida in which we inserted that before the invitation should be issued the President should be satisfied that suitable provision had been made for the entertainment of the parties or representatives of the governments so invited. And also that under no circumstances did the United States assume, and so forth, any expense of any character whatever.

These provisions in the resolution passed the other day are carefully omitted from this resolution. Everyone knows that two celebrations or expositions in California at the same time will not be financially successful.

Mr. HEFLIN. If the gentleman will allow me, I will say to the gentleman that I will accept that amendment, which provides that the President must be satisfied that sufficient funds have been provided before he shall issue the invitation.

Mr. MANN. Will the gentleman accept an amendment providing that before the invitation is issued the President shall be satisfied that a suitable site has been selected and not less than $2,000,000 is available for carrying on the exposition?

Mr. HEFLIN. Yes; I will accept that.

Mr. MANN. Then I have nothing further to say.

The SPEAKER. The gentleman from Illinois will please send his amendment to the desk.

Mr. CANNON. Mr. Speaker, if they have a fund of $6,000,000, what is the use of cutting it down two-thirds? [Laughter.]

The SPEAKER. The Clerk will report the amendments for the information of the House.

The Clerk read as follows:

Amend, on page 1, line 3, after the word "that," by inserting the following: "Whenever it shall be shown to his satisfaction that a suitable site has been selected and that a sum of not less than $2,000,000 is available for the purpose of inaugurating, carrying forward, and holding the exposition hereinafter referred to."

On page 2, after line 4, insert: "That under no circumstances is the United States to assume, be subjected to, or charged with any expense of any character whatsoever in or about or connected with such proposed exposition."

The SPEAKER. The gentleman from Alabama moves the previous question on the resolution and amendment.

Mr. CANNON. Mr. Speaker, before that question is taken, the gentleman from Alabama states that $6,000,000 have already been raised, and I will ask him to accept an amendment to the first amendment offered by the gentleman from Illinois striking out "two" and inserting "six."

Mr. HEFLIN. Mr. Speaker, I decline to accept that amendment.

Mr. CANNON. Then they have not $6,000,000 already raised?

Mr. HEFLIN. I say I think they have about $6,000,000, or have arranged to raise $6,000,000.

Mr. CANNON. Let us reduce the thing and make it five.

Mr HEFLIN. Mr. Speaker, I decline to accept the amendment, and I move the previous question on the resolution and amendments.

The SPEAKER. The question is on ordering the previous question on the resolution and amendments.

The previous question was ordered.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amend, on page 1, line 3, after the word "that," by inserting the following: "Whenever it shall be shown to his satisfaction that a suitable site has been selected and that a sum of not less than $2,000,000 is available for the purpose of inaugurating, carrying forward, and holding the exposition hereinafter referred to."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, after line 4, insert "That under no circumstances is the United States to assume, be subjected to, or charged with any expense of any character whatsoever in or about or connected with such proposed exposition."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended joint resolution.

The question was taken, and the joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the joint resolution as amended.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 160, noes 51.

So the joint resolution was passed.

On motion of Mr. HEFLIN, a motion to reconsider the last vote was laid on the table.

KIOWA, COMANCHE, AND APACHE INDIANS.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill (H. R. 13002) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes, and move to go into the Committee of the Whole House on the state of the Union for its consideration. The hour is ended, as I understand it, on the call of committees.

The SPEAKER. The Chair will inform the gentleman from Texas that the hour is not yet up. The Clerk will call the next committee.

The Clerk proceeded with the call of committees.

GATE OF HEAVEN CHURCH.

Mr. PETERS (when the Committee on Ways and Means was called). Mr. Speaker, I am authorized by the Committee on Ways and Means to call up the bill (H. R. 9048) to remit the duty on pictorial windows to be imported by the Gate of Heaven Church, South Boston, Mass.

The SPEAKER. That bill is not in order on this call. The bill the gentleman refers to is on the Union Calendar.

Mr. PETERS. Mr. Speaker, then I ask unanimous consent to consider it at this time.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the bill referred to at this time. Is there objection?

Mr. PUJO. Mr. Speaker, I object.

The SPEAKER. The gentleman from Louisiana objects.

THE COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a privileged report. I report back from the Ways and Means Committee the bill H. R. 12812—a bill to reduce the duties on manufactures of cotton—with Senate amendments, and the committee recommends that the House concur in the amendments of the Senate (H. Rept. 156). [Applause on the Democratic side.] Mr. Speaker, I desire to give notice I will move to take up this bill immediately after the reading of the Journal on Monday next.

Mr. MANN. Mr. Speaker, I suggest we have the bill read from the Clerk's desk.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 12812. An act to reduce the duties on manufactures of cotton.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to file the views of the minority on Monday.

Mr. UNDERWOOD. I will state, Mr. Speaker, to the gentleman from New York that the members of the majority have not filed their views, but will state them on the floor, and the minority will have the same opportunity that the majority has, and therefore I must object.

Mr. PAYNE. Mr. Speaker, I am sorry the gentleman feels constrained to object because the majority have no views——

Mr. UNDERWOOD. That is merely an opinion of the gentleman from New York.

Mr. MANN. Mr. Speaker, a parliamentary question. Does not the gentleman make a written report?

Mr. UNDERWOOD. I do make a written report, but I did not present any views.

Mr. WEEKS. Mr. Speaker, I would like to make an inquiry of the gentleman. I would like to ask the gentleman from Alabama if he can not at this time state what the legislative program is so that Members may make their plans about returning to their homes. It seems to me we are near enough to the end of the session so that that can be properly done at this time.

Mr. UNDERWOOD. I am in hopes that the statehood bill will be considered to-day and concluded. I expect to call up the cotton bill with Senate amendments on Monday and hope to conclude it on Monday, and as soon as it can be enrolled and sent to the President, why, I think the House will be ready to agree to an adjournment, which we can probably reach either on Tuesday or Wednesday, depending upon the expedition of this business.

Mr. WEEKS. If the gentleman will permit one more question. If the cotton bill goes to the President and is vetoed, is there an attempt to be made to pass the bill over his veto?

Mr. UNDERWOOD. Well, that is a question the House will have to determine afterwards, but I will state candidly to the gentleman that this side of the House, by a unanimous vote, voted to override the veto of the President on two bills. We could not get enough votes on that side of the House to be successful, and without we had the assurance that we could get enough votes to override a veto we would not take up the time of the House in attempting it.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HARDWICK. The report that the gentleman has just rendered would be in order to-day, would it not?

Mr. UNDERWOOD. Well, it is customary to have a report of this kind lay over one day.

Mr. HARDWICK. And the gentleman prefers this to take that course?

Mr. UNDERWOOD. We would prefer that Members have a chance to examine it.

Mr. MANN. Mr. Speaker, in this connection may I ask the gentleman a question? The gentleman on yesterday moved, and the motion prevailed, to refer the veto messages on the wool bill and the free-list bill to the Committee on Ways and Means, and I think—this is my information from the document room and I do not know whether it is accurate or not—that the veto messages were not ordered printed. I suppose there is no objection to having the veto messages printed as a document. I think it should be done and should have been done at the time.

Mr. UNDERWOOD. I will say to the gentleman from Illinois [Mr. MANN] that the customary course to pursue when a motion to overrule a veto message is not sustained in the House is to refer the message to the appropriate committee.

Mr. MANN. And order it printed.

Mr. UNDERWOOD. When the committee has met and considered that question. The committee had a meeting this morning, but overlooked it. I suppose the committee at the proper time will take appropriate action on that subject.

Mr. MANN. The House would like it printed. I think the customary thing to do is not only to refer it, but to order it printed. All messages of the President are usually referred to a committee and ordered printed. I hope the gentleman will make that request.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that we are perfectly willing to meet the issue that the President makes. If the gentleman from Illinois thinks that there is anything to be gained by reason of the President vetoing bills that we have passed attempting to decrease the taxes levied on the American people, if he will make a request for a reasonable number to be printed, I will not object. [Applause on the Democratic side.]

Mr. MANN. Regardless of the question as to the number, I ask that the veto messages be printed in the ordinary manner as House documents.

Mr. UNDERWOOD. Mr. Speaker, I have no objection.

The SPEAKER. The gentleman from Illinois moves that the veto messages be printed in the usual manner and in the usual number as House documents. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, will the gentleman from Alabama give me his attention for a moment? I want to suggest to the gentleman, knowing the great desire of everybody to get out of Washington, so far as I hear an expression of opinion, if he can not state now, so that people can rely upon his statement, that there will be no vote upon the bill after Monday? Otherwise, gentlemen on one side or the other will go——

Mr. UNDERWOOD. I will say to the gentleman from Illinois [Mr. CANNON] that I have no desire to keep Congress here one day longer than necessary. I could not make a statement of that kind, because if I did we would probably lose a quorum at once, or immediately after Monday. We have got to have a quorum here when the President of the Senate signs the bill and when the Speaker signs it. We have got to have a quorum here to pass the adjournment resolution, and I can say that I hope we can expedite the business so that we can get away from here Tuesday—certainly Wednesday, at any rate.

Mr. HARDWICK. Why can not we take up, if the gentleman will yield to me, the cotton bill to-day? [Applause.]

Mr. GARNER. And concur in the Senate amendments, and pass the bill?

Mr. UNDERWOOD. I will say to the gentleman from Georgia [Mr. HARDWICK] that the Ways and Means Committee have been giving diligent study to the iron and steel schedule. It has been some time since we have considered a chemical schedule, but we are reviewing it. I think we have prepared it, so far as the committee is concerned, although I would like to have more data; but this is an important matter, and I think the House ought to have sufficient time to consider this bill before we come to a vote on it.

Mr. HARDWICK. If the gentleman will pardon me, if the committee has had enough light to make a report, it ought to let the House act upon it.

Mr. UNDERWOOD. I do not think we ought to rush this bill through with undue haste.

Mr. GARNER. Will the gentleman yield now?

Mr. UNDERWOOD. Yes.

Mr. GARNER. Let me see if I can state the situation as the gentleman understands it. The Ways and Means Committee have decided to concur in the Senate amendments?

Mr. UNDERWOOD. We have.

Mr. GARNER. Now, the House is as ready to vote on it to-day as it would on Monday. If we should vote to concur in the Senate amendments, engross this bill, send it to the Senate, and have the Speaker and Vice President sign it, and pass the statehood bill to-day, we can adjourn to-day at 11 o'clock p. m., and the result will be the same. It is simply keeping the House of Representatives for the purpose of going over Monday and Tuesday to get up some data.

Mr. MANN. We can revise the whole tariff schedule in 15 minutes.

Mr. DALZELL. What is the use of data after the bill is framed?

Mr. JAMES. Your party did it once in four hours.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has the floor.

Mr. UNDERWOOD. I understand that gentlemen on that side of the House have been in the habit of revising tariff schedules without due consideration. I remember in the case of the act of 1883 the entire act was practically rewritten between sundown and sunrise and passed through the House the next day without consideration. But I think this cotton bill is sufficiently important to warrant this House in staying here one day longer in order properly to consider the bill.

Mr. GARNER. One question further, if the gentleman will permit. If we stay here one day longer and discuss the matter, does the gentleman from Alabama think it will change a sufficient number of votes to nonconcur in the recommendation of the Ways and Means Committee that we concur in the Senate amendments?

Mr. UNDERWOOD. I do not think it would.

Mr. GARNER. It will make not a single change in the world.

Mr. UNDERWOOD. I think a majority may have made up their minds about it right now; but still every man in the House, whether in the majority or in the minority, has the right to have the chance to properly consider this bill before it is laid before the House, and I think it is my duty to insist that they shall have a fair opportunity. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I do.

Mr. MANN. Assuming, as I think it is safe to assume, that the recommendations of the committee will be agreed to and that the bill will thereby be passed by both Houses and sent to the President, and assuming, as I think it is safe to assume, that the President will veto the bill, what, then, is to be done?

Mr. UNDERWOOD. We will be practically through with the business.

Mr. MANN. Well, no. We have notified gentlemen on both sides of the House that they were safe in going home. We would not be willing to have the President, if we can control the matter, send a veto message in here until we knew that our side of the House was here to sustain the veto.

Mr. UNDERWOOD. I will say to the gentleman candidly that I do not know what will be done; and, to be candid with him, I suggest that he keep his side of the House here.

Mr. MANN. Well, some Members on both sides of the House have gone home. We shall certainly take time enough to get them back here, unless we can arrange about pairs, or, unless we can arrange, not on the record, but under the surface, that the veto message is to be referred to the committee and not acted upon at this session.

Mr. UNDERWOOD. I can not make a promise with respect to that until I have seen the President's veto and until I understand the situation in the House.

Mr. MANN. I am not asking the gentleman to make that promise.

Mr. UNDERWOOD. If the President vetoes the bill—and I hope he will not do that; I hope he will sign it—but if he vetoes it, I will then announce to the House what disposition he makes of it.

Mr. MANN. Well, I say for myself that I think we will be here two weeks longer. I do not see any escape from it.

Mr. UNDERWOOD. I do not see any reason why we should be here beyond Wednesday.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from Alabama another question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Texas?

Mr. UNDERWOOD. Certainly.

Mr. GARNER. Suppose, when the bill is sent to the President that the President should not see proper to send a veto message here for 10 days. Shall we stay in session, then, until the veto message arrives?

Mr. UNDERWOOD. That is a matter that we can pass upon when the time comes.

Mr. GARNER. The gentleman must know that many Members want to go home.

Mr. UNDERWOOD. I will say to the gentleman that I can not answer that question until the bill is sent to the President. I am in hopes that we can get through this session of Congress at the latest by Wednesday, and probably by Tuesday; but I can not make any promise, because we have got to see what is going to happen first.

Mr. MANN. Well, we will be here for two weeks at least.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. UNDERWOOD. Certainly.

Mr. LENROOT. In connection with this I wish to say that while not professing to speak for my associates on this side of the Hall who voted to pass the wool bill and the free-list bill, notwithstanding the objections of the President, it is my opinion that the cotton bill with the Senate amendments will not receive any support on this side of the aisle. [Applause on the Republican side.]

Mr. BUTLER. The gentleman does not represent everybody on that.

Mr. UNDERWOOD. I will say to the gentleman that I shall regret it if we do not have his support, but I think the bill will pass, notwithstanding.

Mr. JAMES. I suppose—if the gentleman from Alabama will yield—that the gentleman from Wisconsin speaks only for himself, because I would hardly assume that he has authority—now—to speak for that whole side. [Laughter.]

Mr. LENROOT. I said, "Speaking for myself."

Mr. JAMES. I thought the gentleman said he was speaking for that side.

Mr. LENROOT. I said, "Speaking for myself, it is my opinion."

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PUJO. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will call the next committee.

The Committee on Banking and Currency was called.

NATIONAL MONETARY COMMISSION.

Mr. PUJO. Mr. Speaker, I desire to call up for consideration and disposition by the House the bill (S. 854) to require the National Monetary Commission to make final report on or before January 8, 1912, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect January 8, 1912.

The SPEAKER. The gentleman from Louisiana calls up Senate bill 854, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the National Monetary Commission, authorized by sections 17, 18, and 19 of an act entitled "An act to amend the national banking laws," approved May 30, 1908, is hereby directed to make and file a report on or before the 8th day of January, 1912.

SEC. 2. That sections 17, 18, and 19 of an act entitled "An act to amend the national banking laws," approved May 30, 1908, be, and the same are hereby repealed; the provisions of this section to take effect and be in force on and after the 8th day of January, 1912, unless otherwise provided by act of Congress.

SEC. 3. That the first paragraph under the subject "Legislative," on page 28 of an act (Public, No. 327, H. R. 28376, 6th Cong., 2d sess.), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes," approved March 4, 1909, reading as follows: "That the members of the National Monetary Commission, who were appointed on the 30th day of May, 1908, under the provisions of section 17 of the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were Members of the Senate or House of Representatives. All acts or parts of acts inconsistent with this provision are hereby repealed," be, and the same is hereby, repealed.

SEC. 4. That no one receiving a salary or emoluments from the Government of the United States, in any capacity, shall receive any salary or emolument as a member or employee of said commission from the date of the passage of this act.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Section 1, page 1, line 7, amend by inserting after the letter "a" the words "full and comprehensive," and after the word "report" the words "on all subjects referred to it under the provisions of the aforesaid act.

Section 2, page 2, line 4, amend by striking out the words "8th day of January" and substituting in lieu thereof the words "31st day of March."

Section 4, page 3, line 9, after the word "act," amend by adding "*Provided*, That voluntary assistance, without compensation, may be accepted by the commission from present employees or from others whose assistance may be desired by the commission."

Mr. PUJO. Mr. Speaker, the National Monetary Commission was created by virtue of sections 17, 18, and 19 of what is known as the Vreeland emergency currency bill, passed by Congress in 1908.

At the time of its creation and when it proceeded to its work the commission ascertained that there was very little available information on the subject committed to it. It therefore adopted the policy of employing eminent writers and students of finance, men versed in monetary science and in commercial banking, in this and other countries, to submit to it such information as would be of value to the commission in its work. This naturally took some time.

When this commission was first created it was composed, under the provisions of the law, of nine Members of the Senate

and nine Members of the House. Subsequently some of these gentlemen passed away. Others were defeated for reelection, and the commission, as now constituted, is not composed entirely of Members of the Senate or House.

The law creating the commission made no provision for payment of salaries to its members; but subsequently a provision was incorporated in one of the deficiency bills authorizing the payment of compensation to members of the commission who were not Members of the Senate or House.

There are now eight members serving upon the commission who are not Members of the Senate or Members of the House, and this results in an expense and a burden upon the Treasury of $60,000 a year.

Under the provisions of this bill passed by the Senate, the Monetary Commission is required to file a full and comprehensive report upon all matters submitted to it on or before the 8th day of January, 1912.

An amendment adopted by the Committee on Banking and Currency permits the commission to remain in existence until March 31, 1912. Should this act become a law, all salaries now enjoyed by members of the commission will cease, and those in the service of the commission who are engaged in performing other service for which they draw pay from the National Government, will not be permitted so to continue.

Briefly, the report summarizes this legislation. I read from page 2 of the report:

First. That the commission shall file a full and comprehensive report on or before the 8th day of January, 1912.

Second. That the law authorizing the payment of salaries to persons now members of the commission shall be repealed.

Third. That anyone in the service of the commission who enjoys a salary or emolument from the Federal Government shall not be entitled to compensation from the commission.

Fourth. That the commission shall have a legal existence under these conditions until the 31st day of March, 1912.

The purpose of permitting the commission to retain a legal existence until the 31st of March is because there might be necessity, after presentation of its full and complete report in January, to take up some matter which Congress might refer to it. Again, some important matter might not be covered by the report, in the judgment of Congress, and as there will be no expense to the Government by retaining the commission, we have considered it wise that it should remain in existence until the 31st of March, 1912.

Mr. BARTLETT. Will the gentleman yield?

Mr. PUJO. Certainly.

Mr. BARTLETT. Can the gentleman state how much the commission has cost the Treasury up to this time?

Mr. PUJO. The full disbursements of the commission are shown in the report, and they now aggregate $207,130.48.

Mr. BARTLETT. Up to what time?

Mr. PUJO. Up to March 31, 1911.

Mr. BARTLETT. And you continue the commission until March 31, 1912?

Mr. PUJO. Yes; but without expense for salaries of its members after the passage of this act.

Mr. BARTLETT. The great part of the cost, I understand, has been in the printing.

Mr. PUJO. The principal cost has been in printing.

Mr. BARTLETT. They have printed the banking laws of all the world, and about everybody's opinion on them.

Mr. PUJO. I will state, Mr. Speaker, that the amendments agreed upon by the Committee on Banking and Currency are, you might say, not of substance. The first goes a little more definitely into the nature of the report to be filed by the commission, requiring it to be a full and comprehensive report upon all subjects referred to it under the law. The second amendment extends the life of the commission from the 8th of January to the 31st of March. The Senate bill had the commission expire contemporaneously with the date of the filing of the report.

The last amendment permits the voluntary assistance on the part of those who may now be working for the Government, without compensation. Our reason for this proviso is that there is a general statute prohibiting voluntary service to the Government. The commission had the assistance of a very distinguished student, a man occupying a high position in this Government, an assistant professor at Harvard, in the chair of political economy, I think, and he has been drawing a salary from the commission. The commission considers that his further assistance would be of great benefit to it, and this provision was put in so that we might have the benefit of his help without the violation of any Federal law.

In further explanation of this measure, Mr. Speaker, I will state that it comes with a unanimous report from the Committee on Banking and Currency. There are two members on the committee who are members of the National Monetary Commission, Mr. VREELAND and myself. We are all unanimously of the opinion that the commission will be able to report fully by the time stated, but that it should further remain in existence a little longer that it may be of service to the country, and we are unanimously of the opinion that the expense of $60,000 a year to the Government should terminate.

Now, Mr. Speaker, I will yield 10 mintues to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, the money panic of 1907 convinced most intelligent Americans that the money panics that this country has been subject to for many years have been the result of our defective banking and currency system. There was no other reason that could be assigned in 1907. As the result of that panic Congress passed a temporary emergency currency bill. After passing that bill it created a commission composed of nine Members of each House of Congress, whose duty it was to take up and study the experience of our own and other countries and bring in a comprehensive report, and if possible a comprehensive plan for the revision of the banking and currency system of the United States.

At the end of a year we found that 3 of the 18 members of that commission had gone out of Congress—Mr. Overstreet of Indiana, ex-Senator Teller of Colorado, and ex-Representative Bonynge of Colorado. They had put in a year of study on the work, they had been abroad, and they had attended all the meetings of the commission. It was considered undesirable to lose the benefit of the year's study that these competent men had put in, and thereupon the Congress amended the act and provided that these men should continue members of the commission and draw the same pay that they had formerly drawn as Members of Congress. During the last year there has been a tremendous political mortality among the 18 members of this commission. It has come to pass that at the present time about one-half, I think, of the commission are not Members of Congress. That means that a salary roll goes with it amounting to $70,000 or $80,000 a year. This has created a good deal of criticism throughout the country.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield for a question?

Mr. VREELAND. Yes.

Mr. BARTLETT. Did I understand the gentleman to say that the passage of this bill will stop the payment of salaries to everybody now, or in January?

Mr. VREELAND. They all cease from the passage of this bill.

Mr. BARTLETT. Clerical services, as well as everything else?

Mr. VREELAND. Not clerical service. The clerical service is provided for in section 4 of the act. It seems that there are some of the employees of the commission who are now drawing double salaries, occupying places under the Government and also being employed by the commission. This bill will stop that. So far as they are concerned, they could no longer be paid by the commission.

Mr. BARTLETT. As I understand the gentleman, the pay of those employees of the commission who are also receiving pay from the Government stops so far as their pay from the commission is concerned with the passage of this bill?

Mr. VREELAND. Yes.

Mr. BARTLETT. And that those others who do not occupy the position of being both employed by the Government and by the commission will continue to get their salaries from the commission?

Mr. VREELAND. The gentleman is correct.

Mr. BARTLETT. Until what time—March or January?

Mr. VREELAND. Until March 31. But I might say that the principal employees of the commission—those who draw the largest salaries—will have their pay discontinued on the passage of this act. There are perhaps three or four, I do not know just how many, of the minor employees of the commission who would continue under this until March 31.

Mr. BARTLETT. May I ask the gentleman another question?

Mr. VREELAND. Yes.

Mr. BARTLETT. How much does the gentleman estimate would require to be expended for the continuation of this commission under the terms of this act until March 31?

Mr. VREELAND. Well, if this bill becomes a law, I should say that six or seven thousand dollars would much more than cover all of the salaries that would be continued until the close of the work.

Mr. BARTLETT. The commission contemplates continuing the printing and publication of its investigation, does it not?

Mr. VREELAND. There are two or three publications that are ready and are now in the Printing Office which have not yet come out. Of course, they would be continued in order to complete the library.

Mr. BARTLETT. Are those publications that are now ready and in the Printing Office the only ones the commission contemplates getting out?

Mr. VREELAND. Yes; that is all. That work has been completed.

Mr. BARTLETT. May I ask the gentleman one more question?

Mr. VREELAND. I hope the gentleman will not take up all of my time.

Mr. BARTLETT. Very well, I will desist.

Mr. VREELAND. Mr. Speaker, in answering the questions of the gentleman from Georgia I have indicated to the House what I was about to say as to the effect of this bill. If this bill becomes a law all salaries of all members of the commission stop forthwith. That is one result. Next, if this bill becomes a law the larger part, a very large proportion, of the salaries at present paid to employees of the commission ceases forthwith. If this bill becomes a law the commission is directed to make its final report by March 31, and it is directed to make a comprehensive and far-reaching report on the 8th day of January. With these amendments, Mr. Speaker, the Republican members of the Banking and Currency Committee, to which committee this bill was referred, have agreed to the passage of the bill. It seems to us that the importance of the work of this commission, which, in my judgment, is the greatest business question before the American people, is so great that we can not afford to have the work of the commission lost, and we can not afford to have the report of its investigations discredited or lessened in importance in the minds of the people of the country and of the two Houses of Congress by criticism relating to the expense of members of it who are drawing pay. I believe that every member of this commission whose work will be valuable in making its report and completing its investigation will be patriotic enough to stay on here and do the work, although he may no longer be paid a salary. I think it right to say at this time, Mr. Speaker, that the chairman of this committee, former Senator Aldrich, who went upon the salary roll of the commission, has always declined to draw a dollar from the Treasury, and will continue to decline to draw any salary for work on this commission. I am informed that several other members of this commission are likewise refusing to draw any salary for their work on the commission. It therefore seems to me that the passage of this bill will in no wise cripple or limit the work of the commission.

I believe that the effect of the passage of this bill will be to enhance the value of its report, both to the two Houses of Congress and to the people of the United States. Mr. Speaker, there is always talk about extravagance in any commission that has been appointed by a Congress. I want to say—and, it seems to me, the figures of expense presented herewith will bear it out—that considering the importance of the work and the size of the commission and the fact that it has continued its work for more than three years, that the charge of extravagance against this commission does not fairly lie. The expenses of the commission, as shown here at the date of this report, were something over $200,000. But what was it made up of, Mr. Speaker? Nearly one-half—nearly $100,000—of that expense was made up for creating a library, a financial library, which has been gathered together here in Washington and which belongs to the people of the United States.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. VREELAND. May I have five minutes additional?

Mr. PUJO. Mr. Speaker, I yield five minutes additional to the gentleman.

Mr. VREELAND. I was saying, Mr. Speaker, that of the $207,000 expended by the Monetary Commission at the date of this report, nearly $100,000 had been expended in the creation of a financial library. I want to say, Mr. Speaker, that the London Economist, with other great financial papers abroad, have made the statement that the financial library which has been collected here by the Monetary Commission is the best financial library that has ever been collected in any country. Gentlemen will appreciate the importance of this when I say that when this commission was appointed there was no literature which they could consult. We have had no banking and currency legislation in the United States for more than 50 years, and the same was true of foreign countries; while they have revolutionized their monetary systems, all the works relating to those systems were in foreign languages and had to be translated for the use of the people of this country. Therefore the first thing which this commission had to do was to create a library, to create a library for the use of the commission and for the use of all students of the subject throughout the United States.

No one except a commission representing the United States could have obtained the valuable monographs, written by men eminent as financiers and economists, nearly 50 in number, which have been written and prepared and which now find a place in this library. For example, we have a monograph upon the financial system of Japan, written by the Japanese minister of finance. It is evident that no one except a commission for the United States could have obtained a monograph written by the finance minister of a foreign country. And so with all these books that have been written; they have taken the knowledge, extending over the whole field, so wide that no ordinary student would cover it, and they have put it in a practical, condensed form, where a student of the subject has only to take the index and look up the particular subject which he wishes to consult. All this is in the library which we have created.

Mr. Speaker, I was looking for something with which to compare the expenses of this commission, investigating the most important business subject before the people of the United States. I found out that during the life of this commission the Government of the United States has paid out for removing snags in the Mississippi River $375,000; doubtless a very useful work, and yet only a small proportion of the people of this country are interested in removing snags in the Mississippi River; but this commission, employed on a work which reaches every man, woman, and child in the United States, which the President of the United States, within the last two months, has declared to be the most important question before the American people, during that same three years has expended a little more than $200,000. I found that during the three years that this commission has been at work the Government has paid out for building bridges and trails in Alaska $300,000, $100,000 more than the total expenses of this commission; doubtless a very salutary and necessary expenditure on the part of the Government, and yet I maintain that the reform of the banking and currency system upon which all the great business of the United States must rest has been carried on with much less expense than the building of bridges and trails in Alaska.

Mr. Speaker, the work of this commission from the time it was born to the present time has been carried forward on a nonpartisan basis. I trust it may continue until it finishes this report, and until it brings its report into the Congress it may continue to consider this great subject from a nonpartisan standpoint. And I further venture to hope, Mr. Speaker, that when these two great bodies shall take up this report and shall enter upon the work of making a safe, sane, and satisfactory financial system for the people of this country it will not be considered from the standpoint of political or partisan advantage, but may be considered from a scientific and economic standpoint, the standpoint of trying to devise the best possible system for the use of the people of the country. [Applause.]

Mr. PUJO. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JAMES].

Mr. JAMES. Mr. Speaker, when this bill came before Congress two years ago for the purpose of creating this commission I was a member of the Committee on Banking and Currency. I opposed the creation of the commission then, and I am confirmed in the wisdom of that opposition now. This bill creating the commission came from the Senate and was referred to the Committee on Banking and Currency in the last days of the Congress. It was pointed out that if we amended it, limiting the amount of money that should be expended, it meant its defeat at the other end of the Capitol. I pointed out upon this floor three years ago that it was unwise for Congress to lodge in the hands of any man, or any commission, or any board the unlimited right to check upon the Public Treasury and take the people's money without regard to how much they might expend or the number of offices which they might create or the number of employees they might put to work.

The result is this, as I predicted it would be then: That a great amount of money has been expended, as we find that more than $207,000 has been expended by this commission; and I have no doubt that, if in that bill, when it was proposed to Congress, it had provided for the expenditure of $50,000 and limited it to that amount, it never could have passed this House then. I am for the passage of this bill now because it cuts off these expenditures. I merely call attention to the position which I and the gentleman from Louisiana [Mr. PUJO], and the gentleman from Virginia [Mr. GLASS], and some other gentlemen upon the committee whom I do not now recall, took in joining in a minority report and making a fight then which

by all the circumstances has been vindicated by the conduct of the commission at this very time. [Applause on the Democratic side.]

And it shows, in addition, Mr. Speaker, that this idea of creating commissions is a mistake. Why, the Commission upon Immigration and Labor expended $750,000 of the people's money. A commission upon the monetary question has already expended $207,000; and under that bill, which passed this House and the other end of the Capitol and which was signed by the President, it lodged in the chairman of the commission, Mr. Aldrich, the unlimited right to check upon the Public Treasury. That right ought never to have been granted. Congress ought not to create these commissions to start with, but if it does create them, Congress ought to know how much money they are going to expend and place a limit upon it.

Now, I want to say that I would like for this commission's work to come to an end sooner, if possible, but I know if a question of that sort is proposed here it would perhaps mean that the bill would not pass at all, and the curtailment of its labor would not be obtained at this session of Congress. For that reason I do not propose any amendment, but I intend to support the bill.

Mr. PUJO. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] five minutes.

Mr. MANN. Mr. Speaker, one would suppose from the remarks of my friend from Kentucky [Mr. JAMES] and other remarks that have been made that this commission has been a very extravagant one. I think the contrary is plainly shown. Personally I never have been in favor of the creation of commissions as a rule, especially when they are to be created by appointing Members of the House and Senate upon commissions where they draw salaries when their terms expire as Members of Congress. But in this case out of the $207,000 which have been expended by the commission only $29,000 and a little over have been expended for clerical service. There have been $2,500 expended for miscellaneous expenses, such as freight, stationery, telephone, and telegraph—not a large sum. They have accumulated a library at an expense of $8,795, which will go to the Congressional Library, and which will be a valuable addition to the library relating to banking and currency and monetary affairs.

Mr. VREELAND. The total on the library was $95,000.

Mr. MANN. It is $8,795.70. I have it here. Now, the expense which the committee went to was in employing a number of gentlemen, not partisan at all, for the purpose of preparing information for the commission, for Congress, and for the country, in the form of written and printed articles, or monographs upon various subjects relating to banking, currency, and monetary affairs. That was a wise expenditure of money. These men who have written these articles are at the very top in our country in knowledge of such affairs.

No one who has ever read or studied any of those monographs will say that it was an extravagant expenditure of money. The criticism comes from those who have never examined the articles. But those articles have been examined throughout the country by many people interested in this bill—people who in the end make up the consensus of opinion.

This commission has expended $35,000 in traveling. I do not regard that as an exorbitant expense, considering the length of time involved. There has been expended $43,000 and something over for salaries of men who are Members of Congress who went out, in the main. Of that sum, ex-Senator Teller, of Colorado, received $15,562, and ex-Representative Bonynge, from the same State, received $15,562, those being about the largest amounts. I have not the slightest doubt that the work which those two gentlemen performed has been of far greater service to the country than the average work performed by the Members of Congress who have received the same salary.

Mr. MARTIN of Colorado. Does that apply to the Representatives from that State? [Laughter.]

Mr. MANN. Well, I think the Members of Congress from that State are a little above the average, or considerably above the average. [Laughter.]

Mr. TAYLOR of Colorado. Does the gentleman yield?

The SPEAKER pro tempore (Mr. FOSTER of Illinois). Does the gentleman from Illinois yield to the gentleman from Colorado?

Mr. MANN. I do.

Mr. TAYLOR of Colorado. I wanted to suggest that the gentlemen from Colorado have no doubt whatever but that the service rendered to the country by Senator Teller alone is worth the entire cost of the commission up to this time. [Applause.]

Mr. MANN. I think so myself. I think the commission, so far from being extravagant, has rendered such valuable service to the country that it has been worth many times the cost.

Mr. PUJO. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON], if he desires that much time.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] is recognized for 10 minutes.

Mr. CANNON. Mr. Speaker, I recollect quite well the conditions under which this commission was created, and I want to say that I agree with the statement of the gentleman from New York [Mr. VREELAND] that the work that this commission has done, the investigation that it has given, and the reports that it has made have been very valuable, and that its expenditures have been economical—a mere bagatelle when you consider the importance of the subject. While I am not personally very familiar with the reports, yet I have an impression about them, and I expect to be familiar with them before the legislation which is recommended therein comes up for consideration by the House later on, just when, I do not know.

If that commission shall have done nothing else but issue its final report, when the final report is made, its recommendations will at least give us an intelligent scheme for legislation. I do not desire to commit myself to that scheme at this time, but I repeat, if it had done nothing else than to call the attention of the country to the necessity of further legislation, even then it is well that it was created.

My own impression is now that it would be well if we had a little bit of legislation amending the national-bank law, which has grown for almost 50 years, until there are now 7,200 national banks. Under the most severe criticism that law has demonstrated the desirability of the system. It may be bettered, but that remains to be seen. It has run through various partisan contests. It has been demagogued about more than any law that has been passed within my recollection. Yet through all the decades that it has been in operation it has demonstrated its wisdom, though the demagogue during that time has made all possible legitimate objections and illegitimate objections to it.

My own impression is now that if I had to vote upon currency legislation without further investigation, I would make two or three amendments to the national-bank law. I think the legislation upon which this commission was authorized was valuable legislation. I believe if it had been in operation in 1907 there would not have been a suspension of payments in the great commercial centers. That was a panic. I think if the circulation that is now available had at that time been available under the system provided by this legislation the panic of 1907 would not have occurred, so far as the currency was concerned.

If I had to vote to-day upon an amendment to the law, the chief amendment I would put upon it would be to authorize a savings department for the national banks, allowing investments of the savings deposits, under conditions similar to investments that are made in New England and New York in their savings systems, keeping the commercial business separate from the savings business, but authorizing the banks to engage in both lines of business.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. One further word. It might be that other amendments might well be made. This amendment, to my mind, keeping the law as it now is, striking out the limitation that that act should expire at the end of six years—which ought never to have been written in the act, in my judgment—would give us a system which the country would understand and approve.

I say again that I do not desire to discuss the merits of the system which has been or is to be proposed in the report of the commission, because that is not now up for consideration; and while I do not think it probable, it is at least possible, that if I should be charged with the responsiblity of voting upon it when it is considered, I might change my views about it. That is as strongly as I will state it. I say it is possible, but not probable.

Mr. PUJO. Mr. Speaker, how many minutes have I remaining?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. NORRIS. Mr. Speaker, I notice that the amendments are not printed in this bill in the way in which amendments are usually printed, and it is difficult to determine what the original text was.

Mr. PUJO. I will ask the Clerk to report the original bill as it came from the Senate.

The SPEAKER pro tempore. The bill has been read once.

Mr. PUJO. I desire to have the original bill read, so that the gentleman from Nebraska will understand in what form it came from the Senate.

The SPEAKER pro tempore. It can be read in the time of the gentleman from Louisiana.

Mr. NORRIS. If the gentleman has not sufficient time remaining I will not ask that, but I will ask the gentleman what was the form of the provision in section 1 before it was amended?

Mr. PUJO. It simply provided that the commission should make and file a report on or before the 8th of January, 1912.

Mr. NORRIS. And in section 2?

Mr. PUJO. It provided that the section should take effect on and after the 8th of January, 1912.

Mr. NORRIS. There is nothing in the printed bill to show that.

Mr. MANN. It is evidently an error in the printing of the bill. The words "eighth day of January," instead of having a line stricken through them, and then being followed by the words "thirty-first day of March" in italics, have been omitted from the bill entirely.

Mr. SHERLEY. If the gentleman from Louisiana will allow me, do sections 17, 18, and 19 of the act to amend the national banking laws, which sections are here proposed to be amended, relate to anything other than the monetary commission?

Mr. PUJO. Those are the sections creating the monetary commission.

Mr. SHERLEY. They do not in any sense affect the life of the law then passed, in reference to the currency.

Mr. PUJO. No; section 20 says that the law then passed shall expire in 1914.

Now, Mr. Speaker, I move the previous question on all pending amendments, and on the bill to the final passage.

The SPEAKER pro tempore. The gentleman from Louisiana moves the previous question on the bill and pending amendments, to the final passage.

The previous question was ordered.

The SPEAKER pro tempore. Unless a separate vote is demanded on any particular amendment, the vote will be taken on the amendments en bloc.

There was no objection.

Mr. MANN. Will the Clerk report the amendment to section 2.

The Clerk read as follows:

In section 2, page 2, line 4, amend by striking out the words "eighth day of January," and inserting in lieu thereof the words "thirty-first day of March."

Mr. MANN. That is correct.

Mr. NORRIS. The printed bill does not contain that.

Mr. PUJO. No; it is wrongly printed.

The SPEAKER. There being no demand for a separate vote on any amendment, the amendments will be voted on in gross.

The amendments were agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time and passed.

On motion of Mr. PUJO, a motion to reconsider the last vote was laid on the table.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Resident Commissioner from the Philippine Islands [Mr. QUEZON] may address the House for 10 minutes.

Mr. MANN. Mr. Speaker, I rise to present a privileged resolution.

The SPEAKER. The gentleman will present it and the Clerk will report it.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be directed to adjourn their respective Houses sine die at 10 o'clock p. m. on August 19, 1911.

Mr. SHACKLEFORD. Mr. Speaker, I move that the resolution be laid on the table.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 77, noes 62.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered.

The Chair appointed Mr. MANN and Mr. SHACKLEFORD as tellers.

The House again divided; and there were—ayes 106, noes 66.

So the resolution was laid on the table.

Mr. GARRETT. Mr. Speaker, I now renew the request that I made a few minutes ago, that the gentleman from the Philippine Islands [Mr. QUEZON] have 10 minutes to address the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that Commissioner QUEZON have 10 minutes to address the House. Is there objection?

Mr. MANN. Reserving the right to object, I would like to suggest that the gentleman from New Jersey [Mr. HAMILL] desires time to address the House, also the gentleman from Nebraska [Mr. NORRIS], the gentleman from Vermont [Mr. FOSTER], and the gentleman from Wisconsin [Mr. MORSE]. Can not we arrange for all of these at once?

Mr. GARRETT. I hope the gentleman will not make that request now. I think the request of Mr. QUEZON is somewhat different from that of other Members of the House.

Mr. MANN. I think there is no difficulty at some time in permitting all of these gentlemen, by unanimous consent, to address the House.

Mr. GARRETT. I think there will be no objection.

Mr. NORRIS. Why can it not be arranged all at once?

Mr. LLOYD. I think the proper thing to do is to transact the business first and then let everybody speak that it has been arranged for to speak.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, Mr. GARRETT? [After a pause.] The Chair hears none.

Mr. QUEZON. Mr. Speaker, I shall not on this occasion address the House on Philippine independence. Not that my devotion to this holy cause is lessening, nor that I am losing sight of the fact that the most urgent mandate of my people is to strive for their freedom, but because, while the final settlement of such a momentous question is pending, both common sense and justice demand that some obvious wrongs in the laws governing the Philippines should not be overlooked.

There is one section in the Philippine tariff law, approved August 5, 1909, which is seriously injuring the proper commercial development of the islands.

That obnoxious section is No. 13. It imposes an export tax on our abacá (hemp), sugar, copra, and tobacco, and it reads as follows:

SEC. 13. That upon the exportation to any foreign country from the Philippine Islands, or the shipment thereof to the United States or any of its possessions, of the following articles there shall be levied, collected, and paid thereon the following export duties: *Provided, however*, That all articles the growth and product of the Philippine Islands coming directly from said islands to the United States or any of its possessions for use and consumption therein shall be exempt from any export duties imposed in the Philippine Islands:

352. Abacá (hemp), gross weight, 100 kilos, 75 cents.
353. Sugar, gross weight, 100 kilos, 5 cents.
354. Copra, gross weight, 100 kilos, 10 cents.
355. Tobacco, gross weight:
(*a*) Manufactured or unmanufactured, except as otherwise provided, 100 kilos, $1.30.
(*b*) Stems, clippings, and other wastes of tobacco, 100 kilos, 50 cents.

ABOLITION OF EXPORT TAX UNANIMOUSLY DEMANDED.

On the 19th of May, 1911, the gentleman from Massachusetts [Mr. PETERS], kindly consenting to my request, introduced a bill to repeal this section.

I see with the greatest sorrow that, despite my efforts, this session of Congress will come to an end without any action having been taken on this bill of my honorable friend Mr. PETERS, and that there must elapse many months before the impoverished farmers of my country will find any relief in their grievance, if they are lucky enough to find any relief at all at the next session of Congress.

Hemp, sugar, copra, and tobacco are the main products of the Philippine Islands, and they constitute by far the great bulk of our exportation. The producers of these articles, especially those of hemp, are, and have been for a long time, unanimously demanding the abolishment of the export tax. The time which the House has courteously given me prevents any lengthy discussion of this matter on this occasion. I hope to be able to take it up again in the near future. At present I shall simply confine myself to lay before you a skeleton of the main reasons on which I base my request that the export tax be forever stricken out of the statute books of the Philippine Islands.

EXPORT TAX UNWARRANTED BY POLITICAL ECONOMY.

Export duty, for nearly 100 years, has been considered by the most civilized nations of the world as unwarranted by any sound principle of economy. [Applause.]

To tax export trade is to limit to the extent of the amount of the tax the ability of the people taxed to successfully meet their foreign competitors. The policy of all government is, or at least, ought to be, to help the governed in their commercial struggle in the markets of the world. [Applause.] An export tax is a handicap on the producer.

The wise and farsighted framers of your Constitution, knowing how harmful is the export tax, have forever denied this Government the power to levy it.

Although it has been decided by the Supreme Court of the United States that the provisions of the Constitution are not in force in the Philippines, I have serious doubts as to whether said decision also meant that this Government has the power to

enact laws for the islands which are expressly prohibited by the Constitution in the United States. [Applause.] But whether this Government has the power or not, surely it has not the right to enact a law, whether in the Philippines or elsewhere, which is already condemned as bad by undisputed principles of political economy. [Applause.]

PECULIARLY BURDENSOME.

One feature of this export tax which makes it peculiarly burdensome to those on whom it is imposed arises out of the fact that the duty is not levied on those articles when shipped to the United States or any of its possessions for use and consumption therein. Thus, while the revenue of the Government from exportation of hemp, for instance, was $523,622.50 in the last fiscal year, the actual burden imposed on the producers of hemp was $1,280,810, because more than one-half of the hemp exported was shipped to the United States. And while on this no export tax was paid to the Government, the price received by the producer is identical with that which he receives for his hemp exported to foreign countries. This is also the case with reference to sugar, copra, and tobacco.

UNFAIR.

The export tax has operated unfairly in another respect, the duty being levied on weight of material exported and not on the value thereof. On hemp there was levied a duty of $7.50 per metric ton when hemp was worth about $200 per ton. The same duty is now paid per ton when hemp is but $100 per ton. On the other hand, the duty of $0.05 per hundred kilos of sugar was fixed when the average price of sugar exported from the Philippines was but little more than one-half of what it is now.

UNNECESSARY.

It was urged by those who supported the imposition of this export tax that it was necessary in order to produce enough revenue for the support of the Philippine Government.

This argument is groundless.

At the outset of the passage of the Payne tariff law, which provided for practically free trade between the Philippines and the United States, it was feared that it would result in reducing the revenues of the islands. Two full years have elapsed since the enactment of the Payne law, and the loss to the Government of the revenue by the free admission of American goods was more than compensated for by the increase of the revenue from import duty. The experience in Porto Rico indicates that the free trade between the Philippines and the United States will still further increase the income of the Philippine Government.

On the other hand, the Philippine Government has been having at the end of every fiscal year a surplus of no less than $1,200,000 available for appropriation; in other words, there has always been in the islands a balance of more than $1,000,000 in revenues over ordinary expenditures. The aggregate sum of export taxes for the year 1910 being but $800,000, it is evident that the Philippine Government can and will get along all right without the export tax. And if, besides, it should be considered that there is about $1,500,000 of the gold-standard fund of the Philippine Government which can be appropriated and used by said Government for any purpose whatever, in case an emergency should arise, we must come to the conclusion that there is not the slightest risk in the immediate and complete abolition of the export tax.

In closing my remarks, Mr. Speaker, I wish to read a paragraph of the speech of the distinguished gentleman from Alabama, delivered on this floor when he was a member of the minority of the Ways and Means Committee. Referring to this section 13, which I am endeavoring to have repealed, Mr. UNDERWOOD said:

If we enact this law, we write in the statute books for the Philippine Islands legislation that is little short of barbarism, legislation that no government in the civilized world, except Turkey and Russia and other second-class nations, countenance to-day.

I hope, Mr. Speaker, that the mere fact that the gentleman quoted is no longer a member of the minority of the Ways and Means Committee, but that he is now the worthy chairman thereof, will not affect his opinion on this subject. [Loud applause.]

EDWARD C. TIEMAN.

Mr. LLOYD. Mr. Speaker, I call up House resolution 101, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Missouri calls up the privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 101 (H. Rept. 157).

Resolved, That the chairman of the Committee on Election of President, Vice President, and Representatives in Congress be, and he is hereby, authorized to appoint a clerk to said committee, to serve during the Sixty-second Congress, at a salary of $2,000 per annum, to be paid out of the contingent fund of the House until otherwise provided by law.

With the following committee amendment:

Strike out all of the resolution after the word *"Resolved"* and insert: "That there be paid to Edward C. Tieman, clerk of the Committee on Election of President, Vice President, and Representatives in Congress, out of the contingent fund of the House, $525, for his service as clerk of said committee during the first session of the Sixty-second Congress.

Mr. LLOYD. Mr. Speaker, the Committee on the Election of President, Vice President, and Representatives in Congress has had quite a lot of work during this session. A clerk was appointed by this committee at the beginning of this extra session. He has performed the work of that office during the whole of the extra session. At one time it was attempted to pass a resolution providing for the payment of $125 per month for this clerk during this extra session, but for reasons which were apparent at the time the resolution was not adopted by this House. We now provide in this resolution for pay for this clerk, and if anyone will make the computation, he will ascertain it is at the rate of $125 per month during this session.

Mr. MANN. Up until when?

Mr. LLOYD. It is about one week beyond four months.

Mr. MANN. I know, but the gentleman says at the rate of $125 a month for this session. Somebody must compute the length of the session. I am trying to find out when we will adjourn. That side of the House a few moments ago refused to carry out their pledges, and I want to know from the gentleman when we will adjourn.

Mr. LLOYD. It applies only to this date. So far as this session of Congress is concerned, from this date to the end of it the clerk will get no pay. It is based on a salary of $125 a month.

Mr. MANN. Mr. Speaker, as this side of the House, or most of it, voted when the resolution was up before to pay to the clerk of the committee of the gentleman from Missouri [Mr. RUCKER] $125 a month, we will not, I think, object to paying that sum now, although I think the gentleman nearly forfeited his right when, with some feeling, he declined to accept any contribution from the Government Treasury. I am glad that the gentleman from Missouri [Mr. RUCKER] has seen the proper light and is willing to let the Government pay for the services of the clerk of his committee. It merely illustrates another economic reform gone glimmering. [Laughter on the Republican side.]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amended resolution.

The resolution was agreed to.

FRANK H. TOMPKINS.

Mr. LLOYD. Mr. Speaker, I now call up House resolution 252, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 252 (H. Rept. 159).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay the index clerk of the House of Representatives, who was on the rolls when that position was abolished by House resolution 128, the balance of the salary appropriated for that position up to the end of the fiscal year, June 30, 1911, for completing the index to the Journal of the House of Representatives for the third session of the Sixty-first Congress.

With the following amendment:

Line 2, after the word "pay," strike out the rest of the line and lines 3, 4, 5, and 6, and insert the following:

"Out of the contingent fund of the House of Representatives, the sum of $200 to Frank H. Tompkins, as compensation for services rendered in."

Mr. LLOYD. Mr. Speaker, this resolution is to provide compensation for Mr. Tompkins for completing the index of the Journal of the last session of the Sixty-first Congress. On the 15th day of May, when the office of Assistant Journal Clerk, whose duty it was to index the Journal, was abolished, there was yet work to be done on the Journal of the last session. That work has been done since the 15th day of May. It was completed in the first days of June, and at the salary which he would have received, if the office had been continued until the index was completed, he would have been entitled to $200. We therefore are asking, and think it is proper, that this individual should be paid for service which he rendered, notwithstanding that service was performed to complete work that should have been completed in the last Congress.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, why is the change made in the resolution to provide that it shall be paid out of the contingent fund?

Mr. LLOYD. It must be paid out of the contingent fund, because on the 15th day of May last we abolished the office, and now since the service has been rendered by an individual, we must pay the individual, and can only pay him out of the con-

tingent fund of the House, because there is no other fund from which to pay him.

Mr. MANN. May I ask the gentleman for how long a time these services are to be paid for?

Mr. LLOYD. They are paid from the 15th of May, the date the office was abolished, up to the early part of June. The index was handed to the printer, as I understand it, according to the testimony, on the 31st day of May. After that time the index itself had to be compared, and quite a little work was done in the month of June.

Mr. MANN. Will the gentleman yield me a little time?

Mr. LLOYD. Yes; how much time does the gentleman desire?

Mr. MANN. Oh, five minutes, and possibly I may wish a little more.

Mr. LLOYD. I yield the gentleman five minutes.

Mr. MANN. Mr. Speaker, this is almost a laughable matter. On the 9th of May we passed a resolution abolishing this office after the 15th of May—that is, the index clerk on the Journal—and created other officers known as chief bill clerk and four assistants, and provided by the resolution creating the office of chief bill clerk and four assistants—

All of the duties heretofore performed by the clerks whose offices shall become vacant on and after that date shall be performed by the chief bill clerk and his four assistants.

Everybody knows that there has been but little work for the clerk at this session of Congress compared with a regular session of Congress, and yet these pseudo reformers, these men of false pretenses, abolished one office and provided that the work should be performed by another official in a new office created and then turn up and propose to pay for the old office. Why did not the bill clerk and his four assistants perform this work of indexing the Journal instead of taking a gentleman lying around here, or who had been the index clerk of the Fifty-third Congress, and put him in an office which was abolished and the duties of which were to be performed by somebody else? It is an absolute lack of common decency in the matter. Who authorized this man to perform the duties of index clerk when the law passed in this House provided that the chief bill clerk and his assistants should do this index work? By what authority was an outsider taken in? Did the Democratic caucus provide that some Democrat must be taken care of and be paid out of the Federal Treasury because they had helped some Democrat to be elected to Congress under the promise to have a job? [Applause on the Republican side.] With a chief bill clerk and four assistants provided to be paid out of the contingent fund, with little else to do, why did not they perform the duties that the House resolution said they should perform? Somebody is at fault, and I do not ascribe it to the Clerk of the House. I believe he is endeavoring to perform the duties of his office as best he can, hampered by the demand for patronage to be given to inefficient employees in many cases. [Applause on the Republican side.] They are not all inefficient, many of them are worthy employees, but when you propose with your pretense of economy to keep one office to perform the duties of another office which you abolish, stick to your promises for at least more than three months. We know that in the end you are expending more money in this House than we have ever spent before. I made a comparison recently of expenditures of this House in this Congress with the expenditures under the Republican House two years ago at the special session, and the Republican House two years ago at the special session cost far less than you are now paying out of the Treasury. [Applause on the Republican side.] The other day there was inserted in the RECORD a statement of the amount paid out, paid out on regular annual appropriations, but not covering the amounts paid out of the special and contingent appropriations. [Applause on the Republican side.] If I can get the time before this session is over, I will blow——

Mr. FINLEY. We will give it to you.

Mr. MANN (continuing). That statement all to pieces.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to his colleague [Mr. FOWLER]?

Mr. MANN. I yield.

Mr. FOWLER. I desire to ask the distinguished gentleman from Illinois if he will verify his statement by figures of time and expenditures?

Mr. GARNER. No; he can not do it.

Mr. MANN. Mr. Speaker, I have high regard for my distinguished colleague. I would not miss him from this House for a great deal. I count that day lost which does not make me smile over a good joke [laughter], and the gentleman supplies any lack which may come from other sources.

Mr. FOWLER. Yes; but the gentleman does not answer my question. [Laughter and applause.]

Mr. MANN. I do not desire to spoil the joke. [Laughter.]

Mr. FOWLER. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to his colleague [Mr. FOWLER]?

Mr. MANN. My time has been up for about 10 minutes, or I would be glad to do so.

Mr. FOWLER. I want to say, Mr. Speaker, that this question is not intended for a joke.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has not the floor.

Mr. LLOYD. Mr. Speaker, I am not surprised that the gentleman from Illinois [Mr. MANN] should make the speech which he has just made. In fact, we expected him to make it. This is one of the best evidences that has been presented of the fact that the gentleman may sometimes place himself in the position where he might be subject to criticism himself. What is the fact? The fact is that Republican officials failed to do their duty, and it became necessary under the Constitution of the United States to have the Journal indexed, and we are indexing that which should have been done by Republican employees. [Loud applause on the Democratic side.]

I yield five minutes to the gentleman from Louisiana [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has taken the position in the course of the remarks which he has just made that this place was given to this Democrat for the purpose of assisting some Member of Congress on this side of the House.

I wish to state, Mr. Speaker, that there was no such motive in the assignment which was made to the gentleman named in the resolution, Mr. Tompkins. Mr. Tompkins has not been residing in the State of Louisiana for about 15 years. He has been here in the city of Washington. There was no patronage to which I was entitled at all under the assignment which was made at the time that Mr. Tompkins, who was originally from my congressional district, was assigned to this position. The facts are simply these: That a Republican who had charge of the position which was assigned to Mr. Tompkins quit the position he occupied in the midst of the work he had been assigned to perform and left it in perfect confusion. There was no chance for anyone not acquainted with the character of the work to take charge of it where this employee left it off. Without being discharged, but of his own motion going off to his home and leaving the work in confusion, there was no one here sufficiently familiar with that character of work except the former index clerk in the House of Representatives under the Cleveland administration, who happened to be Mr. Tompkins. He is perfectly familiar with that work. He took it up at once and took up the duties of the office, and has been working up to the present time. While the resolution, which was filed by myself in behalf of Mr. Tompkins, calls for remuneration for the entire work which he has performed, the committee has seen proper to eliminate a portion of that remuneration. We do not complain of it, because it may be considered that after the time the appropriation expired, the 1st of July, in all probability it would be an infringement upon the rules which we had heretofore passed. But there is no rule of the House which compels a man to do work, which he has been assigned to do, diligently and efficiently, without compensation. Having done that work, which is necessary to the good conduct of this House, he should not be deprived of receiving remuneration for it because of the fact that the office itself had not continued longer than a certain day. There have been many instances where extra help was called in, and it was a constant practice during the Republican administration—while they had a majority of the House of Representatives—to call in extra help and pay them extra compensation. We are making no complaint against the committee because they did not see proper to go further than the 1st of July; but this gentleman is still in the act of the performance of this duty and is keeping the work up, not expecting or asking at this time any compensation at all for the extra work he is performing.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

NATIONAL MONETARY COMMISSION.

Mr. PUJO. Mr. Speaker, I ask unanimous consent to recur to Senate bill 854 for the purpose of correcting or amending the title so as to conform to the committee amendment. I move that the words "January 8" be stricken out and be replaced by the words "March 31," in the next to the last line.

The SPEAKER. The gentleman from Louisiana [Mr. PUJO] asks unanimous consent to amend the title of Senate bill 854, which has just passed, by striking out the words "January 8" and inserting the words "March 31."

Mr. PUJO. In the next to the last line.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

ADMISSION OF ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I desire to make a privileged report from the Committee on Territories.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] makes a privileged report from the Committee on Territories, which the Clerk will read.

The Clerk read as follows:

House joint resolution 156 (H. Rept. 162).

Joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that the Senate bill, which is identical with this and which has passed the Senate, be substituted for this one.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The proper thing to do is to order it printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I have no objection to the consideration of the bill at this time—either the House bill or the Senate bill—but I suppose if you substitute the Senate bill for the House bill the motion would be to go into the Committee of the Whole. Is that the intention?

Mr. FLOOD of Virginia. Yes; on the Senate bill.

The SPEAKER. The report is referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANN. The report and the bill?

The SPEAKER. The report and the bill. Now the gentleman from Virginia asks unanimous consent to substitute the Senate joint resolution 57 for House joint resolution 156, they being identical.

Mr. MANN. I suggest to the gentleman that he move to go into the Committee of the Whole on the House bill, and, pending that, to ask unanimous consent to substitute the Senate bill for the House bill.

Mr. FLOOD of Virginia. Mr. Speaker, I will do that.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider House joint resolution 156, and, pending that, he asks that Senate joint resolution 57, which is identical, be substituted for House joint resolution 156. Is there objection to that request? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. And, pending that, Mr. Speaker, I would like to arrive at some understanding with regard to the limitation of time for debate. I suggest that the debate be limited to one hour and a half.

SEVERAL MEMBERS. Oh, no!

Mr. MANN. Make it 10 minutes.

Mr. FLOOD of Virginia. Several Members have asked for time. I ask that debate be limited to one hour and a half, one half to be controlled by the gentleman from New York [Mr. DRAPER] and the other half by myself.

Mr. ANDERSON of Minnesota. Mr. Speaker, does the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Minnesota?

Mr. FLOOD of Virginia. Yes.

Mr. ANDERSON of Minnesota. I take it, Mr. Speaker, that the committee is unanimous on this bill. I would like to have a few minutes in which to speak in opposition to it.

Mr. FLOOD of Virginia. How much time does the gentleman want?

Mr. ANDERSON of Minnesota. Not more than 10 minutes.

Mr. FLOOD of Virginia. We can arrange to give the gentleman that much time.

Mr. CANNON. Mr. Speaker, I assume that the bill is to be considered under the five-minute rule after the general debate has closed. The gentleman's request is for one hour and a half for general debate. At the conclusion of the general debate the bill will be considered under the five-minute rule, will it?

Mr. FLOOD of Virginia. Yes. Mr. Speaker, I desire to amend my request so that the general debate be limited to one hour and a half, one-half to be controlled by the gentleman from New York [Mr. DRAPER] and one-half by myself.

Mr. MANN. I understand, Mr. Speaker, that various gentlemen desire to address the House. It might just as well be done in Committee of the Whole as anywhere else. The gentleman from Nebraska [Mr. NORRIS] wants 20 or 30 minutes, and the gentleman from Vermont [Mr. FOSTER] wants 10 or 15 minutes, and the gentleman from New Jersey [Mr. HAMILL] wanted 50 minutes in which to reply to Dr. BARTHOLDT's peace speech, while the gentleman from Wisconsin [Mr. MORSE] wanted 15 minutes. Can we not arrange to have that much time used, not to be taken out of the time suggested by the gentleman from Virginia?

Mr. FLOOD of Virginia. It is desirable that this bill be passed promptly and sent over to the Senate before a quorum is broken there.

Mr. MANN. There is no hurry about that. There is no trouble about signing it.

Mr. FLOOD of Virginia. I can not agree to the use of all of that time.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. MANN. I ask unanimous consent to amend the request by allowing the gentleman from Nebraska [Mr. NORRIS] 20 minutes' time in Committee of the Whole in addition to the time asked for, the gentleman from Vermont [Mr. FOSTER] 15 minutes, the gentleman from Minnesota [Mr. ANDERSON] 10 minutes, and the gentleman from Wisconsin [Mr. MORSE] 5 minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I should like to call the attention of the gentleman from Illinois to the fact that there are several little bills, local emergency matters, that are of great importance to some of us, which we are exceedingly anxious to have attended to; that we have taken up no time here in the nearly five months of this extra session, and we would like to have them disposed of before a quorum is broken by Members going home.

Mr. MANN. I do not think there will be any difficulty in taking up these bills and passing them after we come out of Committee of the Whole on this joint resolution.

Mr. TAYLOR of Colorado. We can not tell what minute something will come up that will put us up in the air, and then bills will be defeated through lack of opportunity to consider them. I think we should consider these measures first.

Mr. MANN. I think gentlemen will gain time by letting these gentlemen ease their minds.

Mr. TAYLOR of Colorado. I am merely suggesting that after you have permitted them to ease their minds they ought to allow us to do a little business.

Mr. MANN. I think there will be no trouble in passing the gentleman's Carey Act bill and other bills of that character.

Mr. MURRAY. There are some other bills here that some of us are exceedingly interested in.

Mr. FLOOD of Virginia. I can not accept the suggestion of the gentleman from Illinois.

Mr. MANN. Then, I will simply object. That will reach the same result.

Mr. FLOOD of Virginia. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 57.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 57, to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with Mr. BEALL of Texas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a Senate joint resolution which the Clerk will report.

The Clerk read the title of the joint resolution.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the joint resolution.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the joint resolution. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, the Senate resolution is identical with House joint resolution 156, which has been reported to the House, and both these resolutions are identically the same as House joint resolution 14, which passed the House on the 23d of May and the Senate on the 8th of August, except that in the joint resolution now pending the adoption of the amendment to article 8—the article on recall in the Arizona constitution—is made a condition precedent to the admission of that State into the Union.

Under the resolution which was formerly passed that amendment to the constitution of Arizona was to be submitted to the voters, but whether they adopted it or not, the State was still to come into the Union. This resolution requires that they

shall adopt it. It forces the people of Arizona not only to vote upon the amendment to article 8 but to adopt it.

This resolution was prepared in order to meet the views of the President of the United States, as expressed in his message read here on Tuesday, vetoing House joint resolution 14. Mr. Chairman, after that message was read I moved to refer it to the Committee on the Territories, and stated that that committee would proceed immediately to the consideration of that resolution and the message of the President, and that we would report back the resolution. At that time I believed the wise thing to do was to undertake to pass that resolution over the veto of the President.

After inquiry and investigation our committee reached the conclusion that that effort, while it would be successful in this House, would not be successful at the other end of the Capitol, that time would be taken up and friction would be created, and the result would be that this session of Congress would adjourn and these two proposed States would not have been admitted into the Union. So we appointed a subcommittee, which conferred with the Committee on Territories in the Senate, and agreed to introduce into both Houses this resolution. It has passed the Senate, and comes here to the House.

It is the identical resolution we passed before, except that it meets the views of the President on the recall of the judiciary.

Mr. Chairman, I want to state that at the end of an hour I shall move that the committee rise.

Mr. MURDOCK. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MURDOCK. What will be the proceeding in Arizona, by the people of Arizona, if we pass this resolution and it is signed by the President?

Mr. FLOOD of Virginia. At the election which is to take place for the purpose of electing the governor, members of the legislature, and State officers, and a Member of Congress, they will vote on an amendment to their constitution, an amendment to article 8 of the constitution, and if they vote to adopt that amendment which eliminates the recall of the judiciary from the constitution, the President will issue his proclamation admitting it as a State. If they vote not to amend it Arizona can not come in.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. TAYLOR of Colorado. What is the sentiment of the committee on the proposition as to the effect upon the Arizona constitution? Suppose they adopt this amendment cutting that feature out of the constitution, does that in any way interfere with Arizona at the next election putting it back into the constitution?

Mr. FLOOD of Virginia. It will not, and my opinion is that the very first thing the legislature of Arizona will do as a proper resentment for being forced to adopt a constitutional provision will be to submit an amendment to the constitution of the State putting the recall of the judiciary back into it.

Mr. NORRIS. Will the gentleman yield?

Mr. FLOOD of Virginia. I will.

Mr. NORRIS. Is there a written report with this resolution?

Mr. FLOOD of Virginia. I made a short report.

Mr. NORRIS. I have sent for it and can not get it.

Mr. FLOOD of Virginia. The resolution was reported to-day and has not been printed.

Mr. NORRIS. I want to ask the gentleman this question: I have heard it stated several times that in the other resolution which has been vetoed that the committee had an understanding, before they reported the resolution, with the President and as to what the resolution should contain. Has the gentleman any objection to stating in reference to that?

Mr. FLOOD of Virginia. I have not.

Mr. NORRIS. Prior to the introduction of the other resolution whether or not the committee did have an understanding with the President as to what would be a satisfactory resolution.

Mr. FLOOD of Virginia. I will state that prior to the time that resolution was reported to the House, a subcommittee of the Committee on the Territories conferred with the President in reference to the recall of the judiciary in the Arizona constitution, and we put in the resolution what the subcommittee understood to be the suggestion of the President.

Mr. NORRIS. Was there ever any question between the members of the subcommittee as to whether there was a misunderstanding about it?

Mr. FLOOD of Virginia. Not the slightest.

Mr. NORRIS. The gentleman thinks the idea suggested by the President was incorporated in the resolution?

Mr. FLOOD of Virginia. I am satisfied of that.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is it in order for gentlemen on the floor to state the understanding of the committee with the President of the United States?

The CHAIRMAN. The Chair thinks that the parliamentary question comes too late. The gentleman has already completed his statement. The Chair thinks that it is after all very largely a matter of taste.

Mr. NORRIS. Will the gentleman from Virginia give the House the names of the subcommittee who waited on the President and had that understanding?

Mr. FLOOD of Virginia. The subcommittee was composed of five members. I was the chairman of it. The others were the gentleman from Tennessee [Mr. HOUSTON], the gentleman from South Carolina [Mr. LEGARE], the gentleman from Maine [Mr. GUERNSEY], and the gentleman from Pennsylvania [Mr. LANGHAM]. Mr. LANGHAM did not go with us.

Mr. NORRIS. There were four Members present?

Mr. FLOOD of Virginia. Yes.

Mr. NORRIS. And they were the four gentlemen that you have mentioned?

Mr. FLOOD of Virginia. Yes.

Mr. MADISON. I would like to ask the gentleman a question?

Mr. FLOOD of Virginia. Certainly.

Mr. MADISON. I would like to ask the gentleman if all the members of the subcommittee agree with the statement made by the chairman of the committee?

Mr. FLOOD of Virginia. They do. We made a report to that effect to the full committee.

Mr. NORRIS. And they are all here present, are they not?

Mr. FLOOD of Virginia. The gentleman from South Carolina [Mr. LEGARE] is not here; the others, Messrs. HOUSTON and GUERNSEY, are.

Mr. RAKER. Did not some of the gentlemen make this same statement on the floor when the other resolution was up?

Mr. FLOOD of Virginia. In substance they did.

Mr. NORRIS. And at that time the committee had no idea, but what the agreement was still satisfactory.

Mr. FLOOD of Virginia. I thought, of course, the President would sign the resolution.

Mr. MANN. The gentleman knows that I told him both before and after the debate that the President probably would not sign it.

Mr. FLOOD of Virginia. Mr. Chairman, I did not know the gentleman from Illinois was authorized to speak for the President.

Mr. FOWLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. The gentleman from Illinois, my colleague [Mr. MANN], is interrupting this debate without addressing the Chair. [Laughter.]

The CHAIRMAN. The point of order is well taken and is sustained.

Mr. MANN. But the Chairman does not know whether I interrupted the debate.

The CHAIRMAN. The Chair is quite well aware of the fact that the gentleman did interrupt the debate.

Mr. MANN. What I said was pertinent to the debate. I wish my colleague could say something that was pertinent.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman further whether after this statement was made in the report, in any way any communication reached the committee or reached the individual members of the committee from any source contradicting or disputing the understanding or statement that was contained in the report?

Mr. FLOOD of Virginia. The gentleman from Illinois said he did not believe the President would sign the resolution, but I did not know that the gentleman from Illinois was authorized to speak for the President, and he did not tell us that he was authorized to speak for him.

Mr. NORRIS. As far as the gentleman knows the President did not deny it?

Mr. FLOOD of Virginia. Of course he would not deny it. I suppose the President changed his mind after that conference.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from Virginia if in his opinion, in view of the action taken by the President, which did not conform to the understanding

of the committee, it is not probable that the committee misunderstood the President's intent in that conversation?

Mr. FLOOD of Virginia. I think it is probable that the President reconsidered the conclusion, which we understood at that time he had reached. I hardly think the committee misunderstood him. Four men heard the conversation and all agree to what took place. Three of them were Democrats and one a Republican.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. MURDOCK. Is the gentleman satisfied in his own opinion that if we pass this resolution the President will sign it?

Mr. FLOOD of Virginia. I have been told by a number of Members of this House and the other body that they have seen him and that he will.

Mr. RAKER. Mr. Chairman, what does the gentleman from Illinois [Mr. MANN] say in regard to what the President will do in regard to it. [Laughter.]

Mr. MANN rose.

Mr. FLOOD of Virginia. Mr. Chairman, does the gentleman from Illinois want some time?

Mr. MANN. No; I will take time after a while.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, a change has been made in this joint resolution since it passed the House by inserting the words "excepting members of the judiciary." The provision which is thus amended provided that every public officer in the State of Arizona holding an elective office is subject to the recall. To this is added the language I have just read—"excepting members of the judiciary."

I regret exceedingly that I can not persuade myself to vote for this measure in its present form. I supported it when it was before the House, not because I was personally in favor of this provision, but because it was what the people of those Territories deliberately declared for, because it was the will of the people interested, and was not in conflict with the Constitution of the United States. I said then, and I repeat it now, that the people of these Territories should not be limited to such a constitution as I might approve, or such as any person or persons other than a majority of their own citizens approved, as to matters relating to their public policy.

I do not think anyone, whether he be President or citizen, has a right to make himself a censor as to their fundamental law, if that law conforms to the standard of the Constitution and is republican in form, as it is conceded this one is. Every requirement of the Federal Constitution is met in theirs, and the President admits it.

He admits that their population is sufficient to justify statehood; he admits that their people are intelligent enough; he admits they have every qualification for admission; and he is ready to admit them if they will substitute his judgment for their own.

He says to them in effect: "I concede you are capable of self-government; I admit your proposed constitution is republican in form; I admit you have complied with the law; but your proposed constitution has one provision which I do not like. I know the majority voted in favor of it at a fair and lawful election; I know it is the deliberate choice of your people; but I think it is a bad policy for you to adopt. I know you can adopt it after you get into the Union in spite of me, but in the meantime I will act on the theory that I am wiser than all of you. Government by a majority is all right if you will just admit that I am the majority. If you will stultify your manhood, if you will hold a pretended election, a sort of moot election, and cast your votes against your judgment; if you will trample on your honest sentiments and give the lie to your honest convictions, I will allow you to come into the great sisterhood of States." [Applause on the Democratic side.]

"But if you insist on being men, high-minded, courageous men, men with honest ideals and a determination to live up to them, if you insist on standing firmly for what you honestly think, I will keep you out."

Mr. Chairman, I think it is a lamentable situation. Their admission as States is thus made to turn, not on what they are or what they want, but what they can be forced to say they want. It is coercion, pure and simple.

The President says to them, in effect:

"I know you want the recall applied to all your elective officers—you have demonstrated that in the election—but if you will pretend you do not want it, if you will lie about it and play hypocrite and say you do not want it, I will let you in; if you will swear you do not want it, although you and I know you do want it, I will take you to my arms and we will kill the fatted calf. Prove your fitness for statehood by sacrificing your manhood, by going to the ballot box on election day and voting a lie, saying by your ballots that you are bitterly opposed to the very thing you most desire." [Applause on the Democratic side.]

I have no hesitation in saying that if the people of Arizona are willing to sell their splendid American birthright, their very manhood, for such a mess of pottage, they are not worthy of a place in the council of the sisterhood of sovereign States. [Applause on the Democratic side.]

Mr. Chairman, Congress has at the present session passed a very comprehensive measure for promoting honesty in elections. That law contains drastic provisions for the punishment of those who improperly influence voters. It is a wise measure. Every patriotic man approves the principle which underlies it. Only through honest votes, honestly cast, can republican government be maintained.

But by this provision the President and Congress would say to the people of Arizona:

"We were only joking when we passed that law. It is to be used only when it serves the purpose of the bosses. It has no application in your case. We insist you shall go to the polls and make your ballots lie. Vote against your honest judgment and you will be rewarded by getting the admission you so much want, but if you dare to let your judgment and your conscience mark your ballot, we will punish you by refusing you admission."

Mr. Chairman, will this House stultify itself by joining hands with the President, and, in the teeth of the corrupt-practices act which we have just passed, will we thus approach the people of Arizona with a threat in one hand and a bribe in the other? Mr. Chairman, I can not vote to aid in the perpetration of such an outrage. I can not be a party to this attempt at debauching the voters of Arizona either by coercion or by bribery. I will not join in this insult to a brave and progressive people, and if I were a citizen of Arizona I would rather have it remain a Territory as long as I lived than to have it enter the Union on such debasing, such humiliating conditions. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 15 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, in view of the limited time, I must ask to proceed without interruption. It was not without a sense of misgiving that I brought myself to vote for the pending resolution before at least an effort was made to pass the original resolution over the veto of the President, regardless of what the result might have been.

The present administration is already the weakest in popular favor of any we have witnessed in this country in a great many years. [Applause on the Democratic side.] I may as well be direct about the matter and say it is the most unpopular. [Applause on the Democratic side.] And now, beginning with statehood, the President proposes to veto the work of the most independent and progressive Congress since the enthronement of the special interests in American politics [applause on the Democratic side], and to justify his acts and discredit the work of this Congress by a series of so-called "ringing messages" to the country. [Applause on the Democratic side.]

In my judgment, Mr. Chairman, this administration is in no position to send ringing messages to the country. It needs ringing messages sent to the country for it rather than by it. It needs the ringing messages of progressive Executive action which will require no explanation and call for no defense. The people have asked for bread, and the administration's answer is a hailstorm of vetoes. [Applause on the Democratic side.]

In all the deluge of charge and countercharge growing out of these vetoes one fact will stand out clearly and above dispute, and that is that the President has taken his stand with the reactionary element of the Republican Party to destroy the constructive work of the united Democrats and the Progressive Republicans. [Applause on the Democratic side.]

What the result ought to be, and probably will be, may be forecast from the briefest analysis of the result of the congressional elections of 1910, which witnessed the transformation of this House from a Republican majority of 47 to a Democratic majority of 66, practically the entire loss involved in that great change falling upon that element of the Republican Party which refuses statehood to the people of Arizona until they shall degrade themselves by striking the recall from their constitution; falling on that element of the Republican Party which is opposed to the farmers' free list, which was intended to compensate the farmers of this country for the President's jug-handled reciprocity agreement, as well as to relieve the other classes of the people of this country; falling on that element of the Republican Party which is opposed to a substantial revision of the

woolen and cotton schedules and which is opposed to a fair downward revision of any of the tariff schedules.

Mr. Chairman, this administration should not be permitted to run with the hare and hold with the hounds. It should not be permitted to square itself by its acts with the reactionary element in American politics, and then square itself by its words with the progressive element. Either this administration is progressive or reactionary, and I know of no better method of determining which than by its affiliations and its acts.

Every one of these vetoed measures received the united support of the Democrats and Progressive Republicans, and every one of them met with the united opposition of the reactionary Republicans. And when the President vetoed these measures he thereby placed the seal of his official condemnation upon the one and of his official approval upon the other.

Mr. Chairman, the fight is on in this country to popularize this Government and render it more responsive to the will of the people. The fight is on to wrest the control of this Government in every department from the special interests and their political machines, and that fight will never stop, despite the President and the reactionaries, until the American lords, like their British cousins across the sea, have been stripped of their veto. [Applause on the Democratic side.]

I am not here advocating or defending the recall. The presidential veto has done more to advance and popularize that issue than all the speeches I could make in all my life. [Applause on the Democratic side.] The recall has been fortunate in the enemies it has made. It has raised up foes from whom, in the parlance of the day, "a knock is a boost." When the people of this country see men high in public station, who are lacking in the public confidence, singling out this reform for defeat, they are likely to conclude that there must be something good in it for them, and they will cheerfully furnish the necessary number of first-class political funerals to achieve its success.

I lay no claims to being a constitutional lawyer, but it is my understanding that the fundamental fact in the structure of our Government is that the three departments are coordinate and of equal power and dignity within their respective spheres, and, so far as I am concerned, I would see the entire institution of the recall fall to the ground before I would ever give my consent to the proposition that one of these departments is so superior in character, function, and dignity that it is to be exempt by the fundamental law of the land from provisions by which the people undertake to control the tenure of office of the other two departments, or in any other material respect. [Applause on the Democratic side.]

I am not taking the position that the recall of the judiciary, for example, or of any other officer, is not a debatable question, but I do take the position that the unwisdom of subjecting all of the officers of one department of the government to this method of removal from office and exempting all the officers of another department is beyond argument, and if carried to a logical conclusion would make the judiciary what it was never intended by the fathers and what ought not to be—superior to the other departments of government. And in this connection I make note of the fact that a lesser status was given to the judiciary of the United States when it was made appointive and not elective.

The executive and legislative departments of government hold their commission from the people, but the judiciary holds its commission from the Executive, with the consent of the legislative. And of these, the legislative is incontestably the first. This Government was not created by the executives or by judges, but by legislators. The legislature, not courts or executives, is the palladium of our liberties. The executives and judges are properly the ministers and servants of the lawmaking power to do those things which it has ordained but which it can not execute or interpret, and it may even remove them, but can not be removed by them. [Applause on the Democratic side.]

I do not believe in distinguishing between the judicial and other departments of this Government. I do not believe the judiciary is a superior or more sacred department of this Government. The Government of England has weathered the storms of the centuries with the judiciary decidedly inferior in power and importance to the legislative branch, with the executive decidedly inferior to the legislative branch. Not in 200 years has a ruler of England vetoed an act of Parliament, and the British Parliament is to-day gestating a law, as it has many other laws, providing in express terms that no court shall question the constitutionality or validity of such law.

President Taft has been inveighing bitterly against the recall, its alleged tendency to discredit judges, and all that sort of thing. He thinks that in the matter of procedure and the trial of causes the English courts are somewhat better situated than the American courts. But I would like to invite his attention to the larger aspects of the case, such as those I have just stated. The fact of the matter is that the tendency in this country has been not to degrade but to exalt the judiciary, permitting it to nullify the most solemn legislative enactments which have grown out of the very distress of the people and to legislate.

I am one of those who think it would be better to have a just judge unjustly recalled than to have a just law, which affects all the people, unjustly wiped off the statute books. I see no occasion for hysteria over the recall of judges. I am not an institution worshiper. I regard all public officials as public servants, with no more right to betray their employers and retain their places than a private servant, and I can anticipate no harm to the structure and integrity of the judiciary if the people are empowered to do by the recall what the legislative body may now do by impeachment, and remove them from office.

Mr. Chairman, to reject the recall and accept the initiative and referendum is a logical absurdity. It is straining at a gnat and swallowing a camel. I have the assurance that many Members who are taking this contradictory position know that what I say is true. They know that in so far as any change is wrought in our political institutions or in our system of Government, that that change will be effected through the initiative and referendum and not the recall. They know that the recall is a minor element in this whole scheme of direct government, which is becoming so popular in this country at this time.

But Congresses and administrations are largely made up of lawyers. We have the condition of a Nation of 90,000,000 of farmers, laborers, and merchants controlled by a government of lawyers. And many lawyers, through education and environment, are inclined to regard the judiciary as a sanctum sanctorum, a sort of holy of holies, as it were, of the profession, which must be secure from the vandal hands of the mob—the mob of farmers, laborers, and merchants that go to make up the Nation.

I may make plenty of mistakes in Congress, but I will never make the mistake of assuming that four or five hundred lawyers here in Washington are shaping the political thought of this country. The people are seeing for themselves, seeing more clearly every day, and they are asserting themselves with almost the rapidity of a revolution. The ideal of pure democracy is forming in the national consciousness. Simple, direct forms of municipal government, the initiative, the referendum, and the recall, the direct nomination and election of public officials, public ownership and control of public utilities, the regulation and control of the agencies of commerce and industry—these are but steps in the advance that will never stop until this becomes in truth as well as in theory a government of, by, and for the people. [Applause on the Democratic side.]

In my judgment, at this time this Congress could have done no one act so well calculated to assure the progressive sentiment now so strongly manifesting itself among the people of the United States, irrespective of political affiliation, as strongly in one party as in the other, that Congress, too, is awake and moving in the right direction, as to have said, over the veto of the President, that so long as they keep within constitutional bounds it shall be for the people of Arizona to determine the method of making and unmaking their public servants and of making and unmaking the laws under which they are to live, move, and have their being. [Applause on the Democratic side.]

And this, Mr. Chairman, and not the recall, is the issue presented by this veto. The President has not claimed and can not claim that the Arizona constitution violates the Declaration of Independence, the Federal Constitution, or the enabling act. On the contrary, this is what the President in his veto message, referring to the enabling act, says:

> It may be argued from the text of that act that in giving or withholding the approval under the act my only duty is to examine the proposed constitution, and if I find nothing in it inconsistent with the Federal Constitution, the principles of the Declaration of Independence, or the enabling act to register my approval. But now I am discharging my constitutional function in respect to the enactment of laws, and my discretion is equal to that of the Houses of Congress. I must, therefore, *withhold my approval* from this resolution if in fact I do not approve it as a matter of governmental policy.

So the President admits that the Arizona constitution conforms both to the requirements of the founders of the Republic and to the enabling act of Congress, signed by himself. But he asserts the prerogative of passing upon the policy of a provision in this constitution, and when he does this he violates the fundamental principle of State autonomy and the most sacred right that could have been reserved by the States when they, the States, formed the Federal Government.

The title of this resolution, Mr. Chairman, is "An act admitting the Territory of Arizona to statehood on an equal footing with the original States," but the text of the resolution belies the title. When the President says he is not now acting under the enabling act which gave him the power of disapproving the constitution of Arizona on any ground he saw fit to assign, but that he is acting under his powers in respect to the subsequent act of Congress admitting this Territory to statehood upon a condition expressly devised to meet his objection to its constitution, he has deprived himself of the last tenable justification for nullifying an act of Congress which this House passed by a vote of four to one, and which action upon the part of the House was approved by a vote of three to one in the Senate—a most extraordinary legislative indorsement.

But the President is a lawyer. Furthermore, he is a judge. He is himself one of the annointed. He won his spurs by a writ of injunction which swept the brotherhoods from one of the railways of Ohio. He has been honored with the title of "father of government by injunction," and his injunction decisions have been largely relied upon by the courts here in the District of Columbia in their efforts to disrupt the American Federation of Labor and imprison its leaders. The President expresses solicitude in his veto message lest the recall be made an engine of injustice to the poor, but his anxiety on this score reminds me of the plea for the stockholdings of the widows and orphans, so often and so pathetically invoked to save the trusts of the Morgans and Rockefellers. [Applause on the Democratic side.]

But, Mr. Chairman, the majority of the committee have decided—and no one knows better than myself the absolute honesty and good faith actuating that majority——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I would like just two minutes more.

Mr. FLOOD. I yield two minutes more to the gentleman from Colorado.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] is recognized for two minutes more.

Mr. MARTIN of Colorado. The majority have decided that the surest method of securing statehood for Arizona is to submit to this rape upon that Territory, and to assent to the demand of the President that the people of the Territory be compelled, in violation of law and justice, to do something the wrong of which is established by the fact that they may immediately undo it, and as statehood is the great consideration, I bow to the will of the majority. I yield a principle to a President who would not yield a prejudice. [Applause on the Democratic side.]

And I hope, as one recompense for this action, that the people of New Mexico will seize the opportunity presented to them in this resolution of showing the President that they do not approve the constitution, unrepublican in substance, which he so readily approved and sought to fasten upon them; and as another recompense that the courageous and progressive spirit of Arizona will speedily assert itself by restoring to its constitution at the first opportunity a provision of which, in violation of every canon heretofore controlling in such cases, it is now to be arbitrarily stripped. As for the President, he may be left to the consideration of the great and growing numbers of his own party who have enlisted in behalf of a principle to which he has shown himself, by the exercise of the veto power in this case, to be an uncompromising foe. [Prolonged applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. HOWLAND].

The CHAIRMAN. The gentleman from Ohio [Mr. HOWLAND] is recognized for 15 minutes.

Mr. HOWLAND. Mr. Chairman, the Democratic majority, smarting under the stinging rebuke of the veto message, and afraid to join issue squarely with the President by an attempt to override the veto, now, sullen and angry, propose a resolution admitting Arizona with the judicial recall eliminated. Some of us who are opposed to the recall as applied to the judiciary earnestly contended that this provision should be eliminated from the constitution of Arizona when the original, Flood resolution was under consideration by the House. We have been ready, willing, and anxious at all times to vote for the admission of Arizona with this provision eliminated. But, with a stubborness that can be accounted for only on the theory that they were humoring the people of Arizona and hoping to make political capital thereby, the Democratic majority, up to this day, has steadfastly insisted upon having the recall applied to the judiciary. If perchance Arizona should ultimately fail of admission into the Union at this session, or for years to come, she can thank the Democratic majority in this House. [Applause on the Republican side.]

I am not surprised that the distinguished gentleman from Illinois [Mr. GRAHAM] and my amiable friend from Colorado [Mr. MARTIN] should exhibit some petulance on this floor after the absurdity of their contentions was so conclusively demonstrated by the President of the United States the other day in his veto message. [Applause on the Republican side.]

The parliamentary history of this resolution is somewhat interesting, and I want to call the attention of the House very briefly to the terms of the Flood resolution as it was originally introduced on the 4th day of last May. It bore a title as follows: "Joint resolution approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona." The first section in that resolution expressly approves the constitution of New Mexico, and the second section therein expressly approves the constitution of Arizona.

That resolution was referred to the Committee on Territories, and after consideration they reported out a substitute resolution admitting both Territories, but leaving out the express approval of the constitution of either. Why did they refuse to approve the constitutions of these Territories? I now read you a sentence in direct answer to that question, from the report of the majority of the Committee on Territories:

> This has been done in order to meet the views of those Members of Congress who are willing to admit these Territories as States, but who are averse to affirmatively approving their constitutions as adopted.

In plain language, then, the substitute was admitted to be a subterfuge to enable Members to vote for the recall of judges in fact without approving it in express terms. It was a subterfuge by which a Territory was to be admitted into the Union with a constitution containing such an outrageous provision that some Members of Congress were ashamed to defend it and dared not assume responsibility for it. As a matter of fact, the vote in the House refusing to strike out the judicial recall was, in effect, an approval of that doctrine, and was so sent to the country and so understood by it.

Mr. Chairman, while the peculiar wording of the substitute may have secured some votes on its passage and accomplished by indirection that which possibly could not have been accomplished directly, what was the situation created by its passage with reference to the duties of the Executive? Under the terms of the enabling act it was made a condition precedent to admission that the proposed constitutions should be submitted to the President and to Congress for approval; and if the President approved and the Congress did not disapprove during the next regular session thereof the proclamation should issue and the Territories should be admitted, and so forth. Under the terms of the enabling act it is thus expressly provided that affirmative approval by the President is a condition precedent to statehood. That is one of the terms of the enabling act.

Under the terms of the substitute as passed through the House, and the first paragraph thereof, it was expressly provided—

> That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act, and so forth.

Every term, every condition, every provision of the enabling act not inconsistent with the substitute would have remained the law, governing and controlling the admission of these Territories if the substitute had been passed over the veto, for the substitute provides that they shall be admitted "in accordance with the terms of the enabling act." The provision in the enabling act which requires the approval of the President is not repealed by the substitute and is not inconsistent therewith. Assuming that you had passed the Flood resolution over the veto, then the enabling act and the Flood resolution would have to be construed together in order to ascertain the duty of the Executive under the law. Then, as a matter of law, under the terms of the resolution itself, as passed through this House, it would still remain a condition precedent to the admission of Arizona into the Union that the President approve its constitution; and under those circumstances it would be impossible, as a matter of law, for the President to have issued the proclamation provided for in the Flood resolution, because that provides that these States are to be admitted into the Union in accordance with the terms of the enabling act.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield to me for a moment?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. HOWLAND. With pleasure.

Mr. HUMPHREYS of Mississippi. The gentleman will recall that the President says in his message on that subject—

> I am not now engaged in performing the office given me in the enabling act already referred to, approved June 20, 1910.

Mr. HOWLAND. What is the gentleman's question?

Mr. HUMPHREYS of Mississippi. The gentleman says, as I understand it, that the President would have to approve the constitution.

Mr. HOWLAND. I am discussing the situation as it would have been if you had been able to pass the Flood resolution over the President's veto. You would have been doing a vain thing, because in that resolution itself you provide for the admission of these Territories under the terms of the enabling act; and the condition precedent under the terms of the enabling act was the approval of the President. He could not give it; consequently the proclamation provided for in the Flood substitute never could have been issued as a matter of law.

Mr. HUMPHREYS of Mississippi. But the gentleman sees that the President takes issue with him.

Mr. HOWLAND. Oh, not at all.

Mr. HUMPHREYS of Mississippi. Yes. The President says:

I am not now engaged in performing the office given me in the enabling act already referred to, approved June 20, 1910.

Mr. HOWLAND. The gentleman is absolutely wrong. We are speaking at cross purposes. I am not referring to the veto of the Flood resolution at all. I am demonstrating as a matter of law, and beyond question, that the Committee on the Territories, in the Flood resolution, have simply committed another blunder, and they would never have gotten Arizona into the Union if they had been able to pass the Flood resolution over the veto of the President, because they did not repeal certain terms of the enabling act, but on the contrary incorporated every one of them in the Flood resolution. The President is careful to explain in his message that he was not then engaged in performing the office given him in the enabling act, but if the Flood resolution had been passed over the veto without repealing any of the terms of the enabling act, he would then have been called upon to perform the office given him in the enabling act and then as a matter of law he would have been compelled to refuse to issue the proclamation admitting Arizona so long as he was unable to approve her constitution.

Mr. Chairman, I am drawing attention to the situation in which the Committee on the Territories found itself after the veto, and in view of the hostility to the pending resolution manifested on this floor by the gentlemen who have spoken on the Democratic side, I do not know whether to attribute the about face of the Democratic majority of the Committee on the Territories to the fact that they have yielded to the better judgment of the President, as expressed in his unanswerable veto message, or whether, at the last moment, they realized the absurdity of their position and are now trying desperately to make the best of a bad situation.

Mr. Chairman, the passage of the substitute eliminating express approval gave the President an opportunity to sign the resolution without affirmatively approving the Arizona constitution with its recall of judges. His action in so doing would have been construed as an approval, and with his well-known convictions on that subject he could not sign the resolution, and I thank God we have a President who will not take refuge behind a subterfuge, but comes out bravely in the open, assumes responsibility, and strikes down this pernicious doctrine of the judicial recall the first time it makes its appearance in national affairs.

There can be no more dodging and trimming upon this matter. Are we in favor of the recall as applied to the judiciary? That question has now left the confines of the Territory of Arizona and has become a national question. The responsibility is ours, and can not be shifted to the people of Arizona.

The Democratic Party by its course in this statehood matter has irrevocably committed itself to the doctrine of the recall of judges. If you could have passed the resolution over the veto, you would only have forged your chains a little tighter, for when the people of this country realize that you are willing to sacrifice the judiciary for a little temporary political advantage, they will take your measure once again, and the judicial recall will be as effective as old 16 to 1.

Mr. Chairman, during the discussion of this question of the judicial recall, it has frequently been urged that inasmuch as Arizona could amend her constitution after statehood and put in the recall of judges by amendment, that it was a vain thing to attempt to prevent it on admission. That, however, is purely hypothetical, and no one can tell what Arizona will do when she is admitted. It is certain that she will be much more liable to do so if Congress gives its approval to the principle. The fact that some one may do wrong or make mistakes after they have passed out of our control is no justification for our permitting it while we have the power to prevent. The father is not justified in allowing his son to go to the devil on the theory that after the son becomes 21 he may go if he wishes.

Mr. Chairman, another argument that has been very frequently heard in this discussion is this, viz, that the people of these Territories have adopted these constitutions, and it is none of our business so long as the constitutions are republican in form and comply with the terms of the enabling act. If this is true, why was it expressly provided that they should be submitted for approval to the President and Congress? Many foolish things, I regret to say, are possible under a republican form of government, and I hold it to be the duty of the President and the Congress, under the terms of the enabling act, to pass upon the various provisions of the proposed constitutions, even though they come within the term "republican" in form and are not covered by the enabling act. Suppose, for instance, they had provided that every citizen over 15 years of age should have the right of franchise, the instrument would have been republican in form but it would hardly have met with our approval, although even then, judging from the extreme position taken by some in the discussion, I would not be surprised to have heard argument to the effect that the people of the Territories had spoken, and if they wanted that kind of law, it was none of our business.

Mr. Chairman, is it possible that under the terms of the enabling act we have called into existence a Territorial convention so big and powerful that its proposed organic law is not subject to the supreme will of Congress? Have we brought into existence a Frankenstein more powerful than his creator? Must we sit idly by and twirl our thumbs because a Territorial convention has spoken? Has it come to this that we are powerless to prevent the admission of a Territory with a constitution so bad that the majority are ashamed to expressly approve it? Is this a new doctrine? No; it is an old friend in disguise. It is an indirect recognition of and a supine acquiescence in the doctrine of the State veto, applied, however, not by a sovereign State, but by a Territorial constitutional convention.

The Democratic majority, fearful of antagonizing the people of the Territory of Arizona, have bowed down to a Territorial convention, and have taken orders therefrom, even though by so doing they have to resurrect the old doctrine of the State veto and admit that a Territorial convention can impose its will on the Congress.

Mr. Chairman, the doctrine of the State veto, as we know, is utterly antagonistic to any rational conception of the Federal principle of government. It was a bold doctrine, however, a courageous declaration of war. The recall of judges is one of those nostrums—insinuating, insidious, and tempting—advocated by the demagogue under the guise of giving the people more protection; it would destroy the protection they now have. The minority would be sacrificed to the will of the majority and the rights of individuals lost in the mad rush for popular favor. Justice would indeed be blind, but she would have long ears, always listening to catch the murmur of popular acclaim.

Mr. Chairman, I regard the doctrine of the recall of judges fraught with as much danger to the stability of our Republic as the State veto. No government can long exist when judicial decrees are the sport of the crowd and justice is a byword and a mockery on the street. I refuse to believe that any of our people will adopt permanently such a fallacy, and I am confident that experiments now being tried will shortly demonstrate to the satisfaction of all thinking men that the judicial recall is a threat and a menace to popular government.

Mr. Chairman, Andrew Jackson was President the first time the doctrine of the State veto assumed an aggressive form, and he handled that subject at that time in a proclamation with such force, with such a lofty spirit of patriotism and devotion to the Union that every time I read it I feel like throwing up my hat and giving three cheers for Old Hickory. There are plenty of us on this side of the Chamber that claim the right and the privilege to pay our devotions at the shrine of the Hermitage.

Mr. Chairman, in the history of our country, somehow, someway, and always, in great crises when questions are presented vitally affecting the permanence of our institutions and the welfare of our people, there is a man who grasps the situation, solves the problem, and with unerring wisdom points the way to safety. At this time the President has done this. His message in behalf of an independent judiciary is one of the strongest ever sent to the Congress and will takes its place in history by the side of President Jackson's nullification proclamation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. I will yield the gentleman two minutes more.

Mr. HOWLAND. Mr. Chairman, I did not suppose that this debate was going to assume a political character and drift into a general discussion of political issues, but our Democratic

friends who opened the discussion plunged boldly into the political arena. In view of the developments of this extra session I feel that the administration can look with complacency upon the frenzied and hysterical assaults of a baffled and chagrined Democracy.

The country now understands that the administration stands for—

First. Enlarged foreign markets for the surplus of our farms and factories obtained by tariff concessions to those countries willing to grant substantially equivalent concessions to us.

Second. Equitable and just tariff rates to protect American labor and American industry, based on expert knowledge.

Third. An independent judiciary.

Fourth. By arbitration treaties to obtain the broadest possible application of the gospel of peace on earth.

And on this platform we are willing to go to the country.

Mr. Chairman, when this extraordinary session of Congress adjourns on Tuesday and the record is made up and we contemplate the patient, wise, and courageous manner in which the President has handled the difficult questions presented to him by the opposition, we can not but yield our cordial admiration. In conclusion, if I might offer a word of advice to the Democratic majority that has been so busily engaged during this entire session digging a pit for the President, I would suggest that hereafter, when digging a pit, they should be more careful lest they fall in it again. [Laughter and applause on the Republican side.] I shall vote for the pending resolution with a great deal of pleasure.

I yield back the balance of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1098. An act for the erection of a monument to the memory of Gen. William Campbell.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of August, 1911, at 3 o'clock p. m.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1098. An act for the erection of a monument to the memory of Gen. William Campbell; to the Committee on the Library.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3253. An act to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7690. An act to authorize the construction of a bridge across the Snake River, at the town of Nyssa, Oreg.;

H. R. 11545. An act to authorize and direct the Commissioners of the District of Columbia to place the name of Anna M. Matthews on the pension roll of the police and firemen's pension fund; and

H. R. 7263. An act to authorize the counties of Bradley and McMinn, Tenn, by authority of their county courts, to construct a bridge across the Hiwasse River at Charleston and Calhoun, in said counties.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.; and

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building.

ADMISSION OF ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Chairman, I yield four and a half minutes to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. Mr. Chairman, in voting for the passage of this bill I shall feel that satisfaction which comes to every man whose fortune it is to be placed where he can render a service to his country.

In the situation which confronts us in this matter lies an opportunity to make good the Nation's word to the people of New Mexico and Arizona, who, through years and vicissitudes, have been waiting to be admitted to the Union. I greet these Territories to-day upon the manner in which, in war and in peace, they have deserved statehood.

I hail this resolution as one that will stand out in the history of this session of Congress as a triumph of that spirit which actuates every American heart in an opportunity to strengthen the Republic, redeem its pledges, and glorify its institutions. So long as our Government is to be worked out through the instrumentality of political parties, so long will men be able to best serve that party in which their convictions, their love of country, and their hopes are concerned by practical contributions to patriotism. For my part the greatest political shibboleth that I know of is this, "He serves his party best who serves his country first."

When I voted for the joint resolution which passed in the early days of this session providing for the admission of New Mexico and Arizona as States I did so with the understanding that the resolution, as framed, would be entirely satisfactory to the President of the United States. I stated the first time that I had the honor to address this House that the debate which took place concerning the admission of these Territories had raised a question far more important to our national system than any objection, prejudice, or opposition that the President might have to either State constitution involved, and that was the question whether or not the people of a State were to be free to make their own constitution within the republican form of government and the Constitution of the United States. [Applause on the Democratic side.] If there be those who feel that this right has been infringed upon by this resolution, I bid them remember that the bill before us to-day, when signed by the President, will bring the people of these Territories to statehood. When they shall have reached that position they will not only have the freedom to regulate their own affairs, but the right to put into their constitution that which they think best for their happiness and destiny, and this independently of party fortunes in Congress or vetoism in the White House. [Applause on the Democratic side.]

The veto of the President, which would bar these Territories from statehood in this session of Congress, shows that those of us who thought we were meeting his objection were to be disappointed. If the President of the United States can feel justified in the exercise of the veto power because of his obligations to the party in whose name he was elected, I tell this House and the country that the majority in this Congress, representing another and a greater party, can meet even the veto power more than half way in the performance of a great national duty. [Applause on the Democratic side.] I hail that duty as one to which men of all parties must rise, for by its performance there shall have been added to this Republic two States, there shall have been added to the American flag two stars, there to gleam forever for the enlightenment and freedom of mankind.

Mr. Chairman, when the people come to pass upon the work of this session of Congress there will be glory enough for all who have had to do with its service, its fidelity to public trust, and its patriotic efforts to carry out the will of the people as expressed by them at the source of government—the ballot box. I apprehend that, like every session of Congress that has gone before it, there will be in its record party advantage for those who have done the best party work. I contend, sir, that in the admission of these two States to the Union, through the statesmanship displayed by the majority in this House, there will be glory for all who have had to do with it, a glory that shall never die as long as the Stars of Freedom remain undimmed.

If there be those who think that another course should have been taken in regard to this veto, and that Arizona and New Mexico, instead of being admitted to the Union by this session of Congress, should be vetoed out of statehood for another period, I beg of them to consider the philosophy of concession which means victory as against protest, however justified, the result of which would be failure to accomplish tremendous results.

Mr. Chairman, if this were the time or place for a defense of party principles, for advocacy of party position, I would be among the first on this floor to face the battle wherever the lances were sharpest in defense of the position which my party has taken and maintained on every question which has been considered here. If it required a partisan appeal to bring

about the admission of States to this Union, I would scorn to make it.

There is a party spirit from which no man who has felt the blessings of liberty can escape.

It is the spirit which actuates freemen to redress wrongs, which have crept into their system of government, with their ballots.

It is the spirit which calls citizens from home to the dangers of conflict on the field of battle, and which sends them, regardless of party, religious belief, or racial differences, to the defense of their country in the hour of its danger. The men who thus serve their Government are the men who make up the parties that are intrusted by the people with the destiny of their institutions. I can conceive of no duty better calculated to add luster to the record already made by those responsible for legislation in this body than the passage of this resolution, which says to the President of the United States, "In spite of all the differences which may exist between American citizens regarding party or governmental instrumentalities, we bid you join us in welcoming New Mexico and Arizona into the Union of States."

If there be those who fancy that the President of the United States can successfully claim credit for his administration for the admission of these Territories to the Union, let them remember that the politics of this situation is not that which party managers so often exercise; for this, sir, is not politics at all—it is patriotism.

Mr. Chairman, let us add these two stars to the emblem of our country, and thereafter, so long as we live, whenever we see the American flag, every man who sits in this House can point to it with quickened joy; and when we shall have passed from the scene our children will find in the old banner an interest that can not fail to fill their souls with inexpressible pride. And when the millions who shall know and love this flag in the years to come shall seek to find, if possible, the brightest of the stars that shine upon it, may they find there those representing the States admitted by the Sixty-second Congress. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The question was taken, and on a division there were—ayes 88, noes 30.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. FLOOD of Virginia and Mr. MANN to act as tellers.

The committee again divided, and the tellers reported—ayes 112, noes 41.

So the motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the Chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate joint resolution 57 and had come to no resolution thereon.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate joint resolution 57, respecting the admission of Arizona and New Mexico, and, pending that, I would like to see if some arrangement can not be made for closing debate.

Mr. MANN. Mr. Speaker, we could have saved 15 or 20 minutes and made that arrangement some time ago. The gentleman from Virginia has had an hour in general debate. Does he intend to allow any on this side?

Mr. FLOOD of Virginia. I will say to the gentleman that in undertaking to dispose of this time I went to the ranking Republican on the committee that reported this resolution and gave him what time he wanted. That time was taken out of the hour, so that that side of the House has had what it asked for.

Mr. MANN. How much time was taken out?

Mr. FLOOD of Virginia. They had 17 minutes.

Mr. MANN. The gentleman also came to me, but I am not going to repeat a private conversation.

Mr. FLOOD of Virginia. Does the gentleman want any time on this measure,

Mr. MANN. Yes.

Mr. FLOOD of Virginia. How much?

Mr. MANN. One hour.

Mr. FLOOD of Virginia. Oh, well, we can not consent to that.

Mr. JAMES. I understand the gentleman from Virginia has yielded to gentlemen upon both sides and consequently all the time has not come to the side of the gentleman from Virginia.

Mr. FLOOD of Virginia. Not at all; I have yielded the other side what time they wanted.

Mr. MANN. I told the gentleman I wanted time and he did not yield to me.

Mr. FLOOD of Virginia. What is that?

Mr. MANN. I endeavored to tell the gentleman that I desired time; he may have misunderstood me.

Mr. FLOOD of Virginia. I understood the gentleman that he desired time for some gentlemen to speak upon other subjects than this.

Mr. MANN. I wanted both.

Mr. FLOOD of Virginia. Mr. HAMILL, on this side, and Mr. NORRIS, on that side, desired not to speak on the pending measure, and I explained to the gentlemen it is necessary to get this measure through as soon as possible on account of the likelihood of there not being a quorum in the Senate after to-day. Now, if the gentleman will take as much time as will equalize that side with the time we have used, I will be glad to make the motion to close general debate at the end of that time.

Mr. MANN. That will be 45 minutes.

Mr. FLOOD of Virginia. No; you had 17 minutes.

Mr. MANN. That will be 43 minutes.

Mr. FLOOD of Virginia. It will be 17 minutes off of 43 minutes.

Mr. MANN. Did not the gentleman use an hour?

Mr. FLOOD of Virginia. I had an hour, but I yielded 17 minutes to the other side.

Mr. MANN. And used the balance of that time?

Mr. FLOOD of Virginia. Yes. I will give you 26 or 27 minutes; say, half an hour.

Mr. MANN. All right; I will take half an hour.

Mr. FLOOD of Virginia. Mr. Speaker, pending that, I ask that general debate close in 30 minutes and that that time be at the disposal of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate joint resolution No. 57, and pending that he asks unanimous consent that general debate be closed in 30 minutes, and that that time be disposed of by the gentleman from Illinois [Mr. MANN]. Is there objection to the unanimous request? [After a pause.] The Chair hears none.

Mr. CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. GARRETT was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of R. R. Aycock, Sixtieth Congress, no adverse report having been made thereon.

ADMISSION OF ARIZONA AND NEW MEXICO.

The SPEAKER. The question is, Will the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of joint resolution 57?

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate joint resolution 57, with Mr. BEALL of Texas in the chair.

The CHAIRMAN. By order of the House general debate is to close in 30 minutes, to be controlled by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, while the record of recent events regarding the so-called but misnamed reciprocity agreement with Canada is still fresh in the minds of those who participated in the enactment of that law, somebody ought to record the truth as it relates to this much-controverted proposition.

I have heard Republicans condemning Democrats for supporting it, while excusing and even praising a Republican President for proposing it. I have heard Democrats lauding it, while they found fault with the Republican President for originating it, and even charging him with larceny in regard to it. We ought to get our history on straight, so that when the lawmakers of future generations provide by law for the punishment of those who are found guilty of crime, by compelling them to read the CONGRESSIONAL RECORD, the poor unfortunate criminals will at least have their misery alleviated by reading what is true.

In my judgment, when true history is written and this much-abused and much-beloved child called "Reciprocity" is properly labeled, it will be found that she is a sort of a cross, having both Republican and Democratic blood circulating in her veins. It will be found that she had a Republican father and a Democratic mother, and this brings us at once to the consideration of the question of her legitimacy. I have heard of no

marriage ceremony concerning her parents, and if this unfortunate child is able to establish the legitimacy of her birth it will be necessary for her to prove a common-law marriage. [Laughter.]

At the ceremony of her birth, the doctor having charge of affairs was furnished by the interested railroads, the nurse was provided by the Beef Trust, and her swaddling clothes were purchased by the brewers. To compensate the infant for the uncertainty of her parentage, and also to deceive the farmers of the country, who were robbed of the honest and just protection which is rightfully theirs, the high-sounding, beautiful name of "Reciprocity" was given to the child. A name usually indicates the nature of the thing named, but in this instance the beauty of the name was intended to conceal the real nature of the child and to cover up the sin of its parents.

Mr. Chairman, a great many years ago in Lucas County, Ohio, I had a friend named Burnett who was asked on one occasion to give a definition of a hole, and he said that "A hole is where something hain't." And so in this case a proper definition of the name would be a place where reciprocity isn't.

The Democrats in the House have claimed this child as all their own. A small minority of enthusiastic Republicans have disputed the claim. It will be remembered that this so-called reciprocity bill has passed the House of Representatives twice. The first time was during the closing session of the Sixty-first Congress, and the bill then failed of passage in the Senate. In that Congress the bill was introduced by the gentleman from Massachusetts [Mr. McCALL], who stood as the representative of the President and the sponsor of the bill. In the present Congress the bill was introduced by the leader on the Democratic side [Mr. UNDERWOOD of Alabama], and it has become a law bearing his name.

Immediately after the bill passed the House the first time the President wrote and published a letter to the gentleman from Massachusetts [Mr. McCALL] in which he returned to him his sincere and heartfelt thanks for his masterly management and control of the bill in the House and gave to him and his small following of Republicans the credit for the passage of the bill through the House. Soon afterwards, or, to be more specific, on the 20th day of March, 1911, there was a meeting of many leading Democrats in Lincoln, Nebr., called thither to celebrate the fifty-first birthday anniversary of their former leader, William J. Bryan. One of the speakers at that dinner was the present honored Speaker of the House, CHAMP CLARK, of Missouri. I presume from what has recently happened in this House, wherein the former Nebraska leader of Democracy was condemned and again read out of his party, that perhaps the Speaker will find it necessary, to retain his good standing with the Democrats here, to apologize for his presence at that birthday anniversary dinner.

On that occasion the Speaker made a speech, and in this speech he referred to reciprocity and claimed the idea as being entirely and exclusively Democratic. He took to task the Republican President who had fathered the idea and called particular attention to the slight that the President had given to him and his followers when he had written to Representative McCALL and given him all the credit for the passage of the reciprocity bill. And I quote, by the way, his speech from the leading Democratic paper of that State, published, owned, manipulated, edited, and run by the present Democratic Senator from that State, so that I assume that it ought to be accepted, from a Democratic standpoint, at least, as gospel. Said Mr. CLARK on that occasion:

> The latest example of a Republican President borrowing a Democratic principle and getting it through the House by Democratic votes was in the Canadian reciprocity matter. Democrats indorsed it in caucus almost unanimously, and in the House all the Democrats except five voted for it. President Taft and his floor leader in the House, Hon. SAMUEL WALKER MCCALL, of Massachusetts, could not muster even a majority of House Republicans for it; but the next day, after the House Democrats pulled the President out of a hole, he promptly wrote a letter of thanks and congratulations to Brother McCALL and the Republicans, which was a direct slap in the face of the Democrats.
>
> His letter to McCALL is a document as full of ingratitude as has appeared in print since Gutenberg invented movable types. But as Democrats have been advocating reciprocity for years, and as President Taft began advocating it only recently, we voted for it as a matter of patriotism and principle, asking no favors or thanks, and we get none. While, however, we neither asked nor expected thanks or favors and received none, a man can not help philosophizing on what a personal and official humiliation Democrats saved President Taft and Representative McCALL from when they could not line up even a majority of the House Republicans. Democrats voted for it because it is Democratic and is therefore right, and not to pull the President out of a hole, though they did pull him out of a hole, and fair-minded men of all parties will declare with one accord that he might have refrained from thanking McCALL and the Republicans for a victory they did not achieve, for a performance which but for Democratic votes would have been the greatest humiliation inflicted upon a President since the days of Rutherford B. Hayes.

But, for fear that the hilarity of the occasion and the enthusiasm of the hour—increased perhaps, as far as his hearers were concerned, by artificial means—might have caused the Speaker to be too enthusiastic and perhaps unguarded, I want to read to the House an extract from an article appearing in the Editorial Review for the month of May, 1911.

In this article, entitled "Tariff changes," written by our present honored Speaker, in speaking of the passage of this so-called reciprocity bill through the House, he used the following language:

> In the meantime it should not be forgotten that in the Sixty-first Congress all the House Democrats, except five, voted for Canadian reciprocity, and that President Taft and his Republican lieutenants could not muster even a majority of House Republicans for it—most assuredly a very poor showing for the administration. Nevertheless, when the fight was over and the Democrats had saved the day, the President wrote Congressman McCALL, congratulating him on the great victory he had won.

I am inclined to think that one who has watched closely the path that has been trodden by this child of doubtful parentage will have to admit that our Speaker was justified in the criticism which he made of the President, and subsequent events have rather indicated that the President himself has been convinced that he was guilty of unfairness at least when he failed to give to the Speaker and his followers proper credit for the passage of the bill.

When the bill passed the present Congress the President, from his summer home in Massachusetts, issued a statement in which he returned his thanks to the Democrats as well as the Republicans for the nourishing care they had given to this beloved child. In this statement he said:

> I should be wanting in straightforward speaking, however, if I did not freely acknowledge the credit that belongs to the Democratic majority in the House and the Democratic minority in the Senate for their consistent support of the measure in an earnest and sincere desire to secure its passage. Without this reciprocity would have been impossible. It would not have been difficult for them to fasten upon the bill amendments affecting the tariff generally in such a way as to embarrass the Executive and to make it doubtful whether he could sign the bill.

On the same day the President wrote a letter to the editor of the New York American, in which he returned his thanks to all the Hearst papers for their earnest and effective support of the measure. This letter was on the following day published in flaming headlines in Mr. Hearst's paper, with President Taft's picture on one side and Mr. Hearst's picture on the other.

What other letters to leaders of other Democratic factions the President wrote I am not informed. I have wondered, however, why he did not write a personal letter to the Speaker of the House, and also to the leader of the Democratic majority, Mr. UNDERWOOD, of Alabama, and not only return his thanks to them for their earnest efforts, but to apologize to them for the slight which he gave them when, upon the occasion of the passage of the bill the first time, he gave all the praise to the gentleman from Massachusetts. This ought to place the Republican President upon at least speaking terms with his Democratic allies in Congress.

But there are other parts of the country where there does not seem to be any earnest desire, either from the Republican Party or the Democratic Party, to claim the parentage of this slant-eyed infant. On the 25th day of July, 1911, the Republicans of Nebraska met in State convention at Lincoln, in that State. On the same day the Democrats of Nebraska held their State convention at Fremont—and, by the way, this Democratic convention was, in many respects, representative of the Democracy of that State. A brother of Mr. Bryan had headquarters there and was looking after the interests of the "Peerless Leader." It was reported in the press that the Democratic Senator from Nebraska went all the way from Washington to be in attendance. The late Democratic candidate for governor, Mr. Dahlman, had headquarters there and was caring for his faithful followers. The last Democratic governor of Nebraska, Mr. Shallenberger, was a member of the convention.

In the Republican convention reciprocity was not mentioned. No claim of parentage was made, and I presume, because of the youth of the child, no attack was made on it. In the Democratic State convention, where all these great leaders were together, no indorsement of reciprocity was had, or even attempted. The only mention that was made of it was to refer to it as "Taft's reciprocity measure." Whether this is a slap at President Taft or a slap at reciprocity, I will leave to the Democrats to judge. [Laughter.] I think it can be safely said, however, that the poor child is unable to find consolation in either of the dominating parties of Nebraska.

In this dilemma what is the poor youngster to do? Disowned by its father, disinherited by its mother, it wanders up and down the raging Platte without a home and without a friend.

[Laughter.] But here in Washington it is different. Here its father is proud of it and its mother loves it—loves it to such an extent that she is jealous even of its father. [Laughter.] Yes, Miss Democracy, suffering with internal pains and wrinkled with age, is proud of this child. She is the mother of many children, but at the present time this is her favorite. I have wondered whether her joy and pride comes from her idea of the beauty of the child, or whether it comes mostly from the fact that she feared, on account of her age, she never again would enjoy the pride and pleasure of being a mother.

It is an orphan in the Mississippi Valley, but it has a double-header for both parents in some portions of the East. [Laughter.]

In this respect it reminds me of the story that was told here by Adam Bede, late a Representative from Minnesota. He told us of two Mormon children who went away to school. They were asked first, by the professor, their names, and when they gave their names the professor said, "Why, the names being the same, you are sisters?" They replied, "Yes; we are sisters." And when they gave their ages, their ages being the same, the professor said, "Why, you are twins." And they said, "Yes; we are twins on our father's side." [Laughter.] So this little child could say that while in some localities its birth is shrouded in mystery and its parentage is in doubt, yet here, under the Dome of the Capitol, it has twin parents on both sides. [Laughter.]

If I were a cartoonist, I think I could picture the situation so it would be plain to all. I would have little "Reciprocity," with bright eyes and golden hair, holding on one side with her dimpled fingers the large chubby hand of the Republican President of the United States with a smile on his face that would not come off, while with her other hand she would hold onto the withered fingers of old Miss Democracy, wrinkled and gray, but smiling and happy, all three of them tripping along in joy and glee toward the Canadian border, where the proud parents would deliver the little child, the first issue of their common-law marriage, to its godmother, Miss Canada. [Applause.]

Mr. MANN. How much time has the gentleman remaining?

The CHAIRMAN. The gentleman has consumed 20 minutes.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE of Wisconsin. Mr. Chairman, I simply desire to ask unanimous consent to print in the RECORD a short statement with regard to the effect of the "Wisconsin legislation upon the business interests of the State of Wisconsin."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Following is the statement referred to:

THE WISCONSIN POLICY AND ITS EFFECT UPON THE STATE.

Prior to the year 1900 and at that date, in fact, Wisconsin was absolutely in the control of the system—mainly the railroads. Under the old caucus and convention system they had been able for years to control the nominations and elections in that State. As a result of such control State officers and the legislature were under their influence and direction. It was openly declared by Hon. A. R. Hall, an early reformer in that State and for many years a member of the legislature, that a lobbyist had boasted that "for 25 years no measure has passed the legislature affecting the railroads that they did not approve." This declaration never was and never could be controverted. As a result a system of taxation of railroad property was devised and kept in operation for years which was satisfactory to the railroads—the license-fee system—that is, an annual license fee, at first of 2 per cent, later of 4 per cent, was levied upon the gross earnings of the railroads in Wisconsin in lieu of all taxes. By this law the railroads were made the bookkeepers for the purpose of ascertaining what this license fee, which was to stand in lieu of all taxes, should be. Later developments proved that they were unfaithful accountants. (This will be referred to later on.)

Under the laws then in force there was practically no limit placed upon rates the railroad might charge for transportation. There was no redress for poor service, discrimination, or damage suffered by the public or the individual shipper, except the courts. This recourse was troublesome and expensive, and too often unsatisfactory when resorted to. A system of discrimination had grown up, largely the result of the political situation, that was grossly unjust and that became intolerable. Through its operation shippers who were given rebates in freight charges were placed at a great advantage over competitors who did not receive rebates. In one case of a grain-buying concern in northern Wisconsin that operated in a large number of towns rebates were paid to it on shipments in a sum aggregating more than $250,000 in a period of six years. Because of these favors given to this concern it was enabled to force its competitors to pay prices for the farmers' grain such as it named or be forced out of business. These conditions existed in many lines of business. "Big business" got rebates, "little business" got none and became the victims, or the servants, of "big business."

The lobby was bold and brazen in its operations in the legislature. It represented the railroads and "big business." It was all-powerful—dictatorial. It was, so far as the railroads and "big business" were concerned, the legislature in fact. What it decreed should pass went through, what it decreed should not pass was killed. Even after ROBERT M. LA FOLLETTE was elected governor on a platform pledging reform of these conditions, the lobby arrogantly boasted that they would defeat these reforms in the legislature And it was done, so powerful and potent were the agents of "the system." In a measure the lobby decreed the amount of support the State should give the university, the normal schools, the common schools, its charitable and penal institutions, so powerful and usurping was its reign. It named the presiding officers of the two houses of the legislature, framed the important committees that would handle legislation affecting the interests of the railroads and "big business," and throughout the sessions from the "throne rooms" in the hotels and from the very floors of the two houses directed and dictated legislation. Representative government was reduced to a government that represented "the interests."

Early in his first term of office as governor Mr. LA FOLLETTE was called upon by one of the suave representatives of "big business" and told that they had decided to let him have his primary election law if he would let the railroads and other "big business" alone. This presumptuous lobbyist was summarily shown the door leading out of the executive chamber. He had misjudged this square-jawed, honest fighter for the people.

I might describe at great length and in detail the conditions that then existed and the methods employed by "the system" to make the State serve its purpose, but enough has been revealed to show the necessity for a vigorous fight to overthrow "the system" in Wisconsin.

After much discussion on the stump and in the public press, in the meeting places and in the homes of the people, there was great interest aroused all over the State. Opposition to "system" domination was intense. In the caucuses and conventions of 1900 the old ring crowd was defeated and the State convention was controlled by a new element. The party and the candidates nominated were pledged to certain specific reforms. The platform declared in direct, plain language in favor of a primary election law. This was the leading issue of the ensuing campaign and was indorsed by a larger majority than was ever previously given to any party in the State. The people felt that they had shaken off ring rule, and that a primary law would be enacted that would make impossible control of the State by such methods as had previously been pursued; but they had misjudged the purposes and resources of the "system." Control of a State was too profitable to be given up without a determined struggle. When the legislature met the old crowd of lobbyists and ring leaders were on hand looking after the welfare of their principals, the railroads and the allied interests. They defeated the enactment of a primary election law, and no reform legislation of particular moment was enacted. Great, still, was the power of the "system" lobby.

Now, what was done?

When the measures demanded by the people and the Republican Party were defeated by a legislature elected to favor such legislation, but corrupted by the lobbyists of "big business," the friends of reform in that State went to the people telling them how their State was being run, and who was running it, and how they were doing it. The roll call was read, showing how unfaithful public servants voted on measures affecting the "big interests" or intended to correct existing bad conditions. They plead with the people to elect men to the legislature who were true and who could stand against the blandishments and intrigues of the trained lobbyists of "the system." These campaigns were prosecuted on issues, mind you—the primary election law, taxation of the property of public-service corporations on the same basis as other property was taxed, and the regulation of railroads and other public-service corporations. Good issues, these, you will say. Yes; but they were fought by those responsible for the old order of things at every stage. They fought most bitterly the adoption of declarations by the Republican Party pledging the party to these reforms, and

sought by every trick and subterfuge to defeat the redemption of the party's pledges. The election was won only after a most desperate and hard-fought campaign. Bribery, bulldozing, espionage, intimidation, and all the means known to the resourceful and unscrupulous "system" were resorted to and freely employed to defeat the nomination and election of men to State offices who were in sympathy with these reforms. The fight was renewed in the legislature. Again the legislature fell under the power of "big business." The most that could be secured was a primary-election law with a referendum and taxation of the railroads on the ad valorem plan. Regulation of transportation, so essentially a counterpart of the new system of taxation, was defeated, thus leaving the way open for the railroads to reimburse themselves for any increase of taxes they might have to pay in consequence of the change in system of taxing their property.

A campaign for the adoption of the primary election law, submitted under the referendum, was made, and the law was approved by an overwhelming majority, though fiercely opposed by the machine and "big business" at every stage.

And the fight was renewed for the creation of a railroad commission with power to regulate transportation. After a memorable fight in the legislature, where the proposition was fiercely fought by the railroads and the allied interests, a law was enacted that, in its practical operation, has proved most wholesome and satisfactory to the people of the State and is, in fact, apparently satisfactory to the railroads. At least, the decisions of the commission have been generally acquiesced in and respected.

Now, what was accomplished in Wisconsin and what is the effect upon the general welfare?

The old lobby was abolished. The lobby was bad, very bad. This in itself was a great achievement.

A civil-service system was established that is a real and permament reform. No more machine politics in Wisconsin by means of patronage.

A primary election law was enacted that gives to every voter an opportunity to vote directly for persons of his choice to become the candidates for office on his party ticket, from coroner to United States Senator. No more boss-ridden caucuses or manipulated conventions in Wisconsin.

A change in the system of taxing railroad and other public-service corporation property was made, so that their property is valued, assessed, and taxed upon the same plan as other property of the State. Under this change the taxes collected from the railroad companies was increased from about $1,600,000, the maximum under the former system, to about $2,700,000 a year under the new plan. This system permanently equalizes taxes.

A law creating a railroad commission, with power to regulate the charges and business of transportation and of all other public-service corporations in the State, was enacted. Under the direction of this commission passenger and freight rates have been reduced in Wisconsin, which amounts to a saving to the shippers of that State of approximately $2,500,000 a year; and, in addition, this commission has rendered most valuable service to communities in the State in equitably adjusting differences between light, water, and kindred public-service corporations and the citizens, and also in adjusting, without charge to the individual, grievances and difficulties between persons and the railroads and other public servants. This legislation has brought about more equitable conditions in regard to the relation of the public-service corporations of the State to the people, and is an enduring proof of the wisdom of those responsible for its enactment.

Upon urgent recommendation of the governor, authority was given by the legislature to examine the books of the railroad companies to ascertain whether or not they had reported their true gross earnings to the State for a basis of taxation. After an exhaustive examination, it was ascertained that they had methodically reported an amount much less than their actual gross earnings, and as a result, under the administration's vigorous policy of protecting the State's interests, the railroads were compelled to pay to the State over $900,000 in back taxes. This, however, was not paid until suits were successfully prosecuted to compel them to do so.

Valuation of the physical property of the railroads of the State was carefully made, which serves as a basis for intelligent rate making and regulation.

Wisconsin continues to go ahead in solving in statesmanlike manner problems of government. Industrial insurance, State insurance, inheritance, taxation, income taxation, and initiative and referendum, and other progressive policies that are beneficent and just are being carried into effect in that State.

How about the effect of these policies and laws upon the business interests of the State?

No legitimate enterprise has suffered. Every legitimate business is enabled to go ahead as its merits warrant. The State as a whole, the corporations, big and little, the individual merchant and artisan, the wage earner and farmer have improved their respective conditions under the wise policies and the equitable laws of the new régime. Banks and commercial agencies testify to the stability and prosperity of business in Wisconsin. Instead of the charge made by the enemies of Mr. LA FOLLETTE, who was the leader in the campaign for these reforms, that he is a dreamer and a radical, a disturber and a dissenter, being true, the results prove him a conservative, far-seeing statesman. He recognized the evils that existed, had the courage to attack them and those responsible for them, and the far-sighted wisdom to apply the remedy. And the remedy is good.

Proof of the beneficial effects of the change in policy in Wisconsin can be found in the following facts:

For the fiscal year ending June 30, 1905, the total operating revenue received from all sources by the railroads in Wisconsin was $50,144,702.43. This revenue was earned on a total mileage, exclusive of trackage rights, of 6,931.15 miles.

For the fiscal year ending June 30, 1910, the total operating revenue of the State of Wisconsin amounted to $65,055,928.76. This revenue was earned on a total mileage, exclusive of trackage rights, of 7,209.04 miles.

So that, notwithstanding the decrease in transportation rates made by the railroad commission, the operating revenues of the railroads of that State for the year 1910 exceeded those of the year 1905 by $14,911,226.33.

As a further proof of the growth and prosperity of business in Wisconsin under the new policies, the deposits in commercial and savings banks in Wisconsin increased from $187,357,527.82, on November 9, 1905, to $276,505,295.50 on November 9, 1910, an increase of $93,147,667.58, or 51 per cent.

These are significant instances which are only an index to the general advance along the entire line of commercial and industrial activity and production.

With a leadership less able, or less determined, these reforms could not have been accomplished in that State. If the leader had been less courageous—if there had been one weak place in his armor, a shade of lack of integrity of purpose, or a disposition to compromise or temporize—then failure would have been inevitable. But there was no weakness in the plan or in the man. He was shielded by the truth. For the truth he fought and lost; for the truth he fought and won.

Wisconsin, her condition 10 years ago, and her condition to-day, proves that the change of policy was wise and that the results of the policy have wrought a great improvement in the general welfare in that State.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, on August 1 an able speech of a highly technical nature, pertaining to the cotton schedule, was made by the gentleman from New York [Mr. REDFIELD]. In the course of that speech he referred to a visit to the mill of the Forstmann & Huffmann Co., in Passaic, N. J. Mr. Julius Forstmann, a member of the firm, and a former member of the German Tariff Commission, has written by way of reply a letter addressed to Mr. REDFIELD, which I desire to have extended as a part of my remarks. I have consulted with the gentleman from New York and find he does not object to this request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the letter referred to may be printed in the RECORD. Is there objection?

There was no objection.

Following is the letter:

AUGUST 8, 1911.

Hon. WILLIAM C. REDFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: I have read in the Daily Trade Record of August 5 the reprint of your latest speech delivered in the House of Representatives.

In inviting you, at the instance of a mutual friend, to pay a visit to our mill I did so thinking it might be of interest for a member of the opposite political party, who is so ardent an advocate of tariff revision as yourself, to see the actual conditions described by me in my article on the tariff question, and it might help to modify, in some measure, the unfavorable opinion you seem to hold of the woolen and worsted industry in general. By your own admission you seem to have been favorably impressed by your visit, and you say some very kind things about our mill, which I duly appreciate.

Judging, however, from the general tone of your second speech, delivered after your visit to me, you are so firmly convinced of the universal applicability of your ideas to all industries and all conditions in this country that it would be useless for me to attempt still further to prove the contrary to you. With your general statements regarding the desirability of the most efficient management possible in American

mills, I am entirely in accord. That much more can be accomplished in this direction than has already been done is undoubtedly true. But when you propose to take away protection from American manufacturers in order to force them to the adoption of more economic methods—the possible extent and effectiveness of which is after all debatable—I must confess that it looks to me as if you were putting the cart before the horse.

If it were merely a matter of general principles I should be satisfied to differ with you and not trouble you with this letter. You have, however, in open debate on the floor of the House made many statements and drawn a number of general conclusions seriously affecting the industry in which I am engaged and the welfare of which I, in common with all other woolen and worsted manufacturers, have very much at heart. As you have in this connection made free reference to my pamphlet, The Wool Manufacture in America and Europe, and also to your visit to our mill and the conversations which took place at that time between us, I take the liberty of addressing these lines to you to correct what seems to me to be erroneous conclusions arrived at in the course of your argument.

NO DIFFERENT THAN OTHER MANUFACTURERS.

In your speech you make the following reference to a remark made to me by you on the occasion of your recent visit: "I finally pointed out to Mr. Forstmann that I believed he was being used by other woolen manufacturers, differently circumstanced, to cover their inefficiency behind his exceptional circumstances and difficulties." Being acquainted, as I am, with many other American woolen mills and their management, I must deny most emphatically that my situation is in any way exceptional with regard to the tariff. You will remember that I stated this to you most positively when you were here, but you merely answered: "Oh, you are too loyal." My loyalty consisted merely in a plain statement of the facts, made to convince you of the mistakenness of your assumption. If I have taken up the defense of the protective system as affecting the woolen and worsted industry, it is because I have had years of experience in this branch here and abroad and can speak with positive confidence regarding it—with just as much confidence, in fact, as you can speak of your own particular line. Indeed, I think it is rather illogical for you to ask your fellow Members of Congress or the people at large to believe that my statements apply only to my own individual case and not even to the rest of my particular industry, while demanding, expressedly or by implication, that the statements based on your own experience should be accepted as applying to all manufacturing industries throughout the country.

AS TO IMPORTED MACHINERY.

Referring to textile machinery, you say:

"While he (Mr. Forstmann) could probably do nothing else at the start under his conditions than purchase foreign machinery, I told him, and believe it is true, that our machinery makers would agree, if given an opportunity and a fair chance at all his business, to equip him as time went on with American machinery designed and manufactured for his service, equal or superior to the best foreign make."

You omitted to mention, however, that when you made this remark to me at the mill I replied that I was very sorry that I had not had the pleasure of your acquaintance before I placed the orders for all our machinery, but that in any event I should probably not have been able to wait until American machinery makers had had time to experiment with the construction of the particular machines I needed, knowing, as I do, that machines exactly suited for my purpose could be imported in a very short time from abroad. You, as an exponent of scientific management, have admitted in the above-quoted statement that that was the only course open to me.

AS TO THE LABOR EMPLOYED.

With regard to the labor employed at our mill you say:

"If I were to criticize a courteous host and an able man, I should say the weak spot in his management was on the labor side."

As I have stated in my pamphlet from which you quote, the reason for the less efficient labor in a very great number of the woolen and worsted mills of this country, as compared with Europe, is the fact that in the older seats of the industry in Europe the workers have been trained for years in their particular occupation, while here by far the majority of the workers have been but a short time in the business, coming to it from most varied occupations, with a training absolutely inadequate for the duties required of them. And even those who have once learned the business do not or can not always stay in it. The prime cause for their giving up the industry is one which even now, as a matter of fact, is having its effect on the woolen and worsted workers all over the country. Many mills have been compelled, by reason of lack of employment, due to recent tariff agitation, to run on part time, and their employees—in many cases the best—finding their weekly earnings diminished, are drifting away into industries which have so far not been threatened by tariff revision and are therefore still enjoying full employment. When the tariff question is finally settled and business again revives, the woolen and worsted mills will have great difficulty in again completing the organization necessary for them in busy times, and in many cases will again have to break in green hands, to the detriment of the business. Whatever may be true of other industries, I know from experience that it takes many years to train spinners, weavers, and other operatives in woolen and worsted mills properly, and the development of a competent and reliable personnel in such mills is a task consuming a period greater than any period during which American woolen mills have enjoyed the benefit of adequate tariff protection, free from actual or threatened radical revision. You admitted to me when at our mill that we had not had sufficient time to educate our people properly. This is also true of many other mills. I am surprised at your criticism of our handling the labor question. When you were here I told you we had the premium system, whereby these operatives who do better work receive better pay, and the longer they stay with us the better their position becomes. You said you were familiar with this system and considered it a good one.

EXPLAINS COST OF PLANT AND RAW MATERIAL.

You further assert:

"It is an extraordinary condition of our law that it promotes such price for cloth to use as clothing as will permit a manufacturer to pay (as he says) 55 per cent more for his buildings, $500,000 more for his plant, 40 per cent more for his raw material than is the case in Germany, and, with inefficient labor to boot, to still make a profit out of us."

This reversing of the argument presented by me is a plausible rhetorical device designed to catch the unwary. In the first place I should not have incurred such an extra expense for the privilege of constructing a mill in this country, unless I had firmly believed (as I still firmly believe) that the American people were committed in principle to the policy of protection, under which policy the country has achieved such marvelous success, and that they were too wise to sacrifice their present favored position, with their high scale of wages, for the illusion of the cheap products and cheap prices of European countries with the concomitant low wage scales of those countries. Furthermore, we did not pay more for our buildings and for our plant because we wanted to, but because we had to, if we wished to build a mill in America. Neither do we pay more for raw material from choice, but because under existing circumstances we can not obtain it more cheaply. We merely paid and still pay American prices created by conditions as they exist in this country, prices which any manufacturer must pay who wishes to build a woolen and worsted mill in this country, before it is possible for him to engage in business. And my argument was that, conditions being as they are and the whole industrial system of America being predicated upon a protective tariff, it is eminently unjust now to seek to rob the woolen and worsted manufacturers of that protection in reliance upon which they embarked upon their several undertakings. As Grover Cleveland once said: "It is a condition which confronts us—not a theory." Natural conditions so far as regards woolen and worsted manufacturing are not essentially different in America, and if other conditions were equal Americans could manufacture any fabrics made abroad and compete with manufacturers the world over. But the conditions under which we live and conduct our business differ most decidedly from the conditions of Europe. If the woolen and worsted manufacturers are to be placed upon an equal footing with Europeans as to the selling price of their output, then they must be placed on an equal footing with them in all other respects. Not only must they obtain everything they use in their own industry at the same low price at which Europeans can obtain it, but they must also pay the same low wages, and both the employers and employees in such undertakings must then be put upon the same level with regard to the purchasing power of their income as that on which Europeans now find themselves. You know, moreover, that it is not merely the protected industries—as, for instance, the much-maligned woolen and worsted industry—which demand high prices for their products. Many other industries, as outlined in my pamphlet, which are in the nature of things entirely free from foreign competition, ask and obtain equally high prices for their product. Wages and salaries, too, in all lines are higher here than in Europe; much higher in proportion even than the wages of mill operatives. How do the fees of doctors and lawyers compare with those asked in Europe? How do rents compare with those in Europe? How does the salary of a Member of Congress, for instance—$7,500—compare with that of a British Member of Parliament, who receives nothing, or a Member of the German Reichstag, who receives a certain amount—$5 a day—for each session he attends, aggregating about $1,000 per annum?

If when you say "his success is evidenced by the erection recently of his second large mill," you mean to imply that the erection of our second plant in Garfield was prompted by any phenomenal profits made in our original plant in Passaic, you are entirely in error. The erection of that plant was undertaken primarily to round out our enterprise and to make it a complete unit, so that we could control in our own mill all the various processes of manufacture, from the raw wool to the finished fabric, and thus more satisfactorily fulfill all our own requirements with regard to raw material, yarns, etc.

PEOPLE THEMSELVES, NOT BUSINESS MEN, WHO ASK FOR IMPORTED GOODS.

In passing permit me to correct for the sake of those who have read your published speech, a slight misunderstanding on your part of the conversation which took place between us. You say I stated to you "that a most serious handicap was the prejudice on the part of customers for high-class goods in favor of imported goods." The fact is that it is not our customers, who are business men—jobbers, manufacturers of women's and men's clothing, and retail dry goods merchants—who have any prejudice against domestic goods, but the people buying high-class goods from the retail dry-goods houses who have the idea, fostered by years of tradition, that imported goods are better. Leading retail merchants have repeatedly assured me that they consider our fabrics as good as imported cloth, and in many cases superior; but nevertheless they can not bring many of their customers to realize this. It is this feature which I spoke of to you personally and have also mentioned in my pamphlet as a further argument for the need of protection of American fabrics against others of foreign manufacture to enable American manufacturers in due time to overcome this prejudice.

When you ask the question "Has protection failed after 50 years of high duties to support adequately the woolen industry?" I am compelled to wonder whether you are familiar with the tariff history of this country, or whether you are willfully shutting your eyes to familiar facts which do not harmonize with the trend of your argument. When such a statement is made, as it has repeatedly been made during the present tariff agitation, by men unfamiliar with practical business, I pass it by; but when such a man as you, having a business experience of a quarter of a century, makes a remark of this kind, I must challenge it. You know very well that the Wilson law was in operation from 1895 to 1897, and that years of tariff agitation and uncertainty preceded the enactment of that law. That period of agitation and subsequent low duties was disastrous to the woolen industry. In 1896 80 per cent of the woolen mills of the country were closed and lost their workers. On resuming business they had to break in the greater portion of their help anew. I am not now talking of economic theories, but of cold facts within the recollection of most men engaged in our industry.

And the record since the enactment of the Dingley bill in 1897 and the rehabilitation of the protective system shows a decided growth in all branches of our industry. Before you can judge of the success or nonsuccess of a tariff policy the United States must have, as European countries have, a settled policy based on sound business principles and free from the possibility of tariff agitation and radical upheavals. No one imagines that we ought not always to be ready to make necessary adjustments of the tariff schedule, but experience has shown that the Democratic aim in this direction has always been toward free trade, euphemistically called a policy of "tariff for revenue only." With a settled protective policy in force for a sufficient time, the United States can build up a woolen and worsted industry equal to that of any other country. As I explained to you in person, my own experience has demonstrated that any fabrics which are produced in Europe can be produced in this country. There is nothing in natural conditions in the United States to prevent the manufacture of all kinds and qualities of woolen and worsted fabrics equal to any made in Eu-

rope, and the adoption of measures which could only result in the extinction of the woolen and worsted industry would be the acme of inexcusable political folly. Natural conditions are equal, but the conditions of production are not equal. Unless you are prepared to equalize them by reducing the American basis to that of Europe—which I do not believe you are prepared to do—you must equalize them by granting the American woolen and worsted industry adequate protection. You can not make a scapegoat of our industry or of any other industry dependent upon protection while maintaining other industries and occupations, especially those freed by natural conditions from foreign competition, upon the present basis. All we ask for is a square deal. Given that, it may even in the long run be possible for our industry to compete in the markets of the world. But why hanker after the world's markets when we have 90,000,000 people right at our door to provide for?

COMPARISON OF WAGES IN WOOLEN INDUSTRY WITH OTHER INDUSTRIES IS IN FAVOR OF AMERICA.

In the course of your speech you draw a comparison between the wages paid in American woolen and worsted mills and those paid by American railroads, forgetting that the character of the labor in the former is altogether different from that in the latter. In the woolen industry quickness and dexterity are important, and the work requires little physical strength, so that many women and, in some cases, minors are employed. On the railroads, however, where strength is essential, male help is necessary. I may also say that I am better informed about the wages paid in the different industries in Europe than you are, and I can assure you that if one compares the ratio of wages paid in the American woolen and worsted industry to those paid in the iron industry with the similar ratio in Germany the comparison is in favor of our domestic industry.

You go on to say: "It seems to be the industries paying low wages that squeal the most. The industries paying high wages have not, to my knowledge, knocked at the door of the Ways and Means Committee." Inasmuch as the textile industries have been so far the principal victims of the concentrated attacks of you and your Democratic colleagues, it is but natural that you should have heard from them first. You will undoubtedly hear loudly enough from the others as soon as the Ways and Means Committee takes up the remaining schedules.

REASONS FOR HIGH EXPENSES IN WOOLEN INDUSTRY.

When you insist upon making a comparison between those industries with which you are familiar and the woolen and worsted industry, you overlook certain well-known facts, all of which tend to lessen the force of your illustrations. In the first place, a large part of the American export trade consists of specialties and trade-marked goods, which have been advertised the world over and have won for themselves a world-wide market; or of patented articles, which, to a certain extent, have a monopoly in their field. Many of the articles you mention also represent comparatively few and simple processes of work, and it is self-evident that the simpler the article and the fewer the processes involved in its manufacture, the more such manufacture can be systematized and cheapened, the more the output can be increased with a steadily diminishing cost and the more uniform the product will become. Wherever this is possible, there is no question that Americans have excelled and been able to meet foreign competition more successfully. In our industry, an altogether different state of things exists. The processes are extremely complicated, as any one will admit who has had occasion to study the industry. Fashions are constantly changing and new requirements on the part of the public have continually to be met. Hardly has a manufacturer succeeded in putting a certain style into work and begun to turn it out successfully, than the style changes and he must bring out new patterns to hold his trade. Besides the heavy cost of pattern making—all of which is a burden on the goods finally sold—the cost of changing frequently from one style to another is very great.

You said in your first speech in the House: "And yet the feature of this discussion is the fear of foreign makers in American markets, ignoring the fact that foreign designs, foreign measurements, foreign methods are often such as to make their products useless here at any price."

I can not say whether this applies to the lines with which you are familiar. It certainly does not apply to the woolen and worsted industry. Just the reverse is true, especially as far as the better class of fabrics is concerned. The general public favors imported goods, as I have already pointed out to you. In our industry it is the American manufacturer who must in many cases, if he wishes to compete with the European manufacturer, follow the lead of the latter, changing styles frequently, thus entailing considerable expense. This is only one of the many instances which could be cited to show that the experience gained by you in your lines does not warrant you in drawing general conclusions regarding the woolen and worsted industry. By dwelling upon the above point you evidently realize its importance, and when I made the above explanation to you at our mill, you agreed with me that in this respect our industry was differently situated than others, and what for them was an advantage was for us a handicap.

In conclusion, let me repeat that I am not addressing this letter to you in the hope of being able to change your opinions, for you seem to be too firmly wedded to your point of view to make that possible. I have deemed it proper, however, in the interest of the woolen and worsted industry in general, as well as in the interest of the company which I represent—including that great army of workers whose livelihood depends upon the continued welfare of our industry—to answer some of the more important points contained in your speech and to challenge certain mistaken conclusions arrived at by you regarding our industry—conclusions based upon an inadequate knowledge of the facts or upon a too hasty generalization from insufficient data.

I consider it proper to inform you that I have furnished a copy of this letter to the papers which published your speech. Believe me, dear sir,

Yours, very truly, JULIUS FORSTMANN.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. FLOOD], to be yielded by him to some one else.

Mr. FLOOD of Virginia. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Chairman, what I shall say will be with reference to the resolution that is being considered by the committee at this time. I want to say that I am going to vote for the pending resolution, but I am not going to vote for it because I believe it to be right. I am going to vote for it to meet a condition that exists in New Mexico and Arizona, knowing that those people are entitled to statehood. I want to say here that, so far as the initiative and referendum are concerned, I am for them, and I disagree with our President upon the question of recall. I have never yet in my limited experience of the practice of law found that a judge was any more sacred than any other gentleman filling a public trust. [Applause on the Democratic side.] And I can not believe, nor do I believe, that the office of an elective judge or an appointive judge is any more sacred than any other elective or appointive office in any State. Realizing, though, that the people of Arizona and New Mexico are entitled to statehood, I have brought to bear all my efforts toward the consideration of a new resolution that will permit them to come into the Union as States in the next few months. I can not understand why any gentleman can object to the recall of the judiciary so long as they fail to object to the initiative and referendum remaining in the constitution. The very moment Arizona is admitted into the Union 25 per cent of the voters voting at the last general election will initiate an amendment to the constitution and adopt the recall as a part of the constitution. I want to say to you, gentlemen, as one who has lived under a bureaucratic government for 15 years, that there comes a time, with due deference to honest and well qualified judges, when, if you could exercise the recall on some judges, they would be more conservative and would administer justice more accurately than those who administer it in my country. I want to say to those gentlemen who may have occupied the bench that I would not have favored it if I had not lived under a bureaucratic government for 15 years, where all the officers were appointed, from constable up, and the appointing power was many miles away.

And I say to you to-day that I would vote for any resolution that did not require me to forfeit my manhood or principle to bring about statehood for and relieve the condition that exists in New Mexico and in Arizona. New Mexico, with trust-written and trust-ridden laws, needs to have them changed, and this resolution provides a way by which it may do so. And Arizona's laws and the manner of administering them need to be changed, and Arizona has written provisions in its constitution whereby a change desired may be made. And I say to you it will be done as quickly as they get in the Union, and our President, in my opinion, will sign the pending resolution, and I am for it.

Congress, by the terms of the enabling act approved June 20, 1910, provided for the calling of a constitutional convention in each of the Territories of Arizona and New Mexico; the submission of the constitution proposed by the convention of each of the Territories to the electors; the approval of the constitution by the President and Congress, or, if the President should approve the constitution and Congress did not approve it on or before the close of the first regular session of the Sixty-second Congress, the Territories should be admitted as States. The Territories each held a constitutional convention, by which convention a constitution was written and submitted to the vote of the people, and, by a very large majority in each of the Territories, the constitution was adopted.

When the constitutions were submitted to the President during the Sixty-first Congress the President approved the constitution of New Mexico but did not approve the constitution of Arizona.

The House of Representatives in the Sixty-first Congress also approved the constitution of New Mexico, but it failed of approval in the Senate.

When this session of Congress convened a resolution was introduced providing for the admission of the two Territories, requiring New Mexico before she be admitted into the Union to resubmit to her voters certain amendments to her constitution, and requiring Arizona before she be admitted to the sisterhood of States to submit to her voters again the question as to whether or not the judiciary should be subject to the recall. Both branches of Congress by a large majority adopted the resolution and the same was presented to the President for his approval; and on the 15th day of August, 1911, the President returned to Congres the resolution without his approval, based upon the ground of an objection to the recall of the judiciary in the constitution of Arizona. After due consideration by the Committee on the Territories of the House and consultation with the members of the Senate, it was deemed advisable to introduce the pending resolution and require Arizona as a precedent to her admission to resubmit the question of the recall of the judiciary to her voters and to vote it out of her constitution.

I desire to direct special attention of the people of the United States and to the citizens of the two Territories affected by this resolution to the grounds upon which the President refused his approval of the resolution. Nowhere in his message does he attempt to say that the constitution of Arizona is not republican in form or in violation of any provision of the Constitution of the United States, the Declaration of Independence, and the terms of the enabling act. He approved the provision in the constitution of New Mexico before, as well as after, the amendment required to be submitted by Congress. He finds no objection to the constitution of New Mexico, because it would seem that the constitution of New Mexico was written in the interest of the big interests of the country, of which the President talked so much in other messages, and that by its provisions the interests would be protected. The only objection he raises to the constitution of Arizona is that it contained a provision that would permit Arizona to recall a judge if by petition 25 per cent of the voters, voting at the last election, should petition to have the judge recalled. Then an election would have to be called and a vote taken as to whether the judge should be recalled. No objection is raised by the President as to the recall of other officers in the State, only the judiciary.

Whether or not the President's objection is based upon the fact that he at one time occupied the bench as a Federal judge and had the opportunity of knowing what influence was thrown around a judge or the criticisms that might be made of him, I do not pretend to say; but it is strikingly strange that the President of the United States will refuse to approve a resolution admitting Territories as States upon the sole ground of his own opinion as to whether or not the judiciary in that State should be subject to the recall. No question is raised by the President as to the initiative and referendum. By his refusal to approve the constitution of Arizona he has compelled the Congress of the United States to write a provision in the pending resolution requiring the people of Arizona to take from her constitution a provision that they desire to have in it. He has required Congress to write into the resolution a provision compelling Arizona to take out of her constitution, before she be admitted, the provision relating to the recall of the judiciary, but in doing so, I desire to say that we do not require Arizona to take from her constitution the recall of the judiciary because the President failed to approve it with that provision in it, but we do so knowing that if we do not pass the resolution requiring them to take it out of their constitution, the President will continue to exercise his power and keep Arizona out of the Union as a State for a number of years.

I do not agree with the President upon his views as to the recall of the judiciary. I believe that judges should be subject to the same law as any other elective officer, and I am quite sure that if they were subject to the recall that many times they would be more careful in rendering their decisions and their decisions would not be written by representatives of the special interests or the corporations or the attorney on the opposite side, as many decisions have been written in the past for judges who presided in Territories and States.

My experience of more than 15 years living in a Territory, where all of the officers were appointed, leads me to believe that the system of appointive government is wrong, and that the closer you can bring the government to the people the better government you have, and my experience has further taught me to know that a great many of the judges who are not responsible directly to the people for the position they occupy do not have the interest of the people at heart and do not administer the law with the same degree of justice and fairness as judges do who are elected by the people.

In refusing to approve the resolution the President has attempted, in my judgment, to raise a new political issue, and purposely so to try and divert the attention of the people of the United States from the real issues that are now confronting them, and that is, Shall this Government be administered by the people or the interests? But his effort along this line will fail. He will find that the people have been deceived in the past and they are not going to be misled in the future; but, on the other hand, the present administration, by the refusal to approve the constitution of Arizona, will be charged, and rightfully so, in my judgment, that they are trying to keep Arizona out of the Union until after the next presidential election. In refusing to approve the resolution permitting Arizona to come in as a State, it is not the recall of the judiciary that the President refused to approve, but he refused to approve what the people of Arizona desired. By his action he says to the people of Arizona, You shall not have statehood; you shall not be admitted into the Union with a constitution as you desire it; you shall not be admitted into the Union as a State unless you incorporate into your constitution what I believe should be in it. Even though you are seeking to be a local sovereign, you shall not be unless you place into your constitution my ideas and my words.

I ask you, Will the people of the United States and the Territories seeking admission approve of such action by the President? Are they willing to deliver to the President the arbitrary power to dictate to a people what they shall have in their local constitutions? If so, then I say to you the very foundation of local self-government has been undermined and is in danger of going to pieces. I am firmly convinced that the Congress of the United States and the President have no right whatever to undertake to dictate to the Territories what they shall have in their constitutions, so long as they are republican in form and not contrary to the Constitution of the United States, the Declaration of Independence, and conform to the enabling act. And I want to say here that the only reason that caused me to work with the members of the committee and get them to introduce the pending resolution for the admission of the two Territories as States was because I feared that we did not have a sufficient number to pass the resolution the President had returned without approval over the President's veto, and I believed if we should fail in passing the resolution over the veto there would be no chance at this session of Congress to get a resolution through admitting the Territories as States; and I earnestly believed that if we fail to pass the resolution over the veto of the President at this session of Congress that Arizona would not be admitted as a State into the Union until after the next presidential election, and for that reason in the Committee of the House on Territories I supported the motion to take up with the Senate committee the question of introducing a new resolution requiring Arizona to cut out of her constitution the recall of the judiciary. I did this because I now think if Arizona desired to have the recall of the judiciary in her constitution, as soon as she was admitted as a State she could initiate a petition and vote it into her constitution, and that it would be only a few months until this result could be accomplished. I know it was not right to require Arizona to vote the recall out of its constitution, and I believe that I share the opinion of every man who will honestly express himself, who has given any thought to the study of constitutional law and the organization of a State, and it is my opinion that the President only forced this action and demand on Arizona because he had the power to do so.

In supporting the pending resolution, Mr. Chairman, I do so for the sole and only purpose of getting Arizona admitted into the Union, and I feel that the ultimate result to be accomplished is greater to the people of Arizona than the question of the recall of the judiciary, and for that reason, and that alone, I support this resolution.

I respectfully request the people of Arizona and New Mexico, as well as the people of the United States, to carefully consider the message of the President and not to be misled by it, and to consider the underlying motive which actuated his refusal to admit Arizona to statehood, which is shown in his message as being his personal ideas as to whether or not the recall of the judiciary was detrimental to good government, and I respectfully submit to the candid judgment of the people of the United States and the people of Arizona and New Mexico as to whether or not our action in reporting the pending resolution was justified by the desire and right of the people of Arizona and New Mexico to be admitted into the Union as States, and I am willing to submit to and abide by the judgment of the people, and abide their decision when rendered.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. MANN. I do not wish to take advantage of the Chair, but unless the gentleman from Nebraska [Mr. NORRIS] did not use all of his time, I do not see how I have six minutes remaining.

Mr. Chairman, I do not propose to enter upon any defense of the attitude of the President or his position in his veto message. No clearer statement was ever made by any President than President Taft has made in his message vetoing the joint resolution which was passed. In my opinion, his position is not only sound but it is as clearly and as forcibly expressed as anyone has the power to express it.

But I wish to say a word with reference to the apparent misunderstanding of the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Territories, and the President. If I understood the gentleman from Virginia correctly, he stated either that the President gave him to understand that the original amended Flood resolution was satisfactory to the President, or, at least, that the gentleman from Virginia understood that it was satisfactory.

I talked with President Taft before the subcommittee of the Committee on Territories talked with him. I talked with the President immediately after the Committee on Territories had talked with him. I talked with members of that committee. I think I understand fully the position which the President then had in his mind—the position that he expected to take if called upon in the future; and it never was the intention of the President, in my opinion, to say that he approved the original amended Flood resolution—the one that passed—and I am sure that the gentleman from Virginia entirely misunderstood the President.

I understood the President at the time to say, both before and after the subcommittee had talked with him, that he would be satisfied with the passage of a resolution along the lines of the resolution now pending, but would not be satisfied with a resolution which admitted Arizona as a State regardless of the adoption of an amendment to the constitution removing the provision for the recall of judges. With that statement, which I think it is proper to make in view of what has been said, although it is always unfortunate to state conversations with the Chief Executive, who can not very well reply to them—with that statement I desire to yield the balance of my time to my colleague from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has but one minute remaining of his time.

Mr. CANNON. Then I can come in under the five-minute rule.

The CHAIRMAN. Under the order of the House all time for general debate has expired. The Clerk will read the bill by paragraphs.

The Clerk read as follows:

Resolved, etc., That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act approved June 20, 1910, and upon the terms and conditions hereinafter set forth. The admission herein provided for shall take effect upon the proclamation of the President of the United States, when the conditions explicitly set forth in this joint resolution shall have been complied with, which proclamation shall issue at the earliest practicable time after the results of the election herein provided for shall have been certified to the President, and also after evidence shall have been submitted to him of the compliance with the terms and conditions of this resolution.

The President is authorized and directed to certify the adoption of this resolution to the governor of each Territory as soon as practicable after the adoption hereof, and each of said governors shall issue his proclamation for the holding of the first general election as provided for in the constitution of New Mexico heretofore adopted and the election ordinance No. 2 adopted by the constitutional convention of Arizona, respectively, and for the submission to a vote of the electors of said Territories of the amendments of the constitutions of said proposed States, respectively, herein set forth in accordance with the terms and conditions of this joint resolution. The results of said elections shall be certified to the President by the governor of each of said Territories; and if the terms and conditions of this joint resolution shall have been complied with, the proclamation shall immediately issue by the President announcing the result of said elections so ascertained, and upon the issuance of said proclamation the proposed State or States so complying shall be deemed admitted by Congress into the Union upon an equal footing with the other States.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I shall detain the committee but a very short time.

I take great pleasure in embracing this opportunity most heartily to approve of the veto referred to by the gentleman of the joint resolution admitting the Territory of Arizona to statehood. I not only take pleasure in making this statement, but I will not weaken a statement of the grounds upon which the veto was placed by attempting to add thereto.

I might go further and say I believe that in the swing of the twentieth century it may, under some conditions, become the duty of the United States perchance to go further than the President has gone. This is a representative Government, established as a Government republican in form, and under our civilization and under the Constitution it is the duty of the United States to guarantee to every State in this Union a republican form of government. But that is a matter that can only be met when the necessity arises.

I have listened to what gentlemen have said, especially upon the other side. One gentleman from New York and one from Oklahoma said, "Oh, yes; we will vote for this resolution, because the very moment that Arizona is admitted she can write anything she pleases into her constitution." They guarded it by saying, "Not in conflict with the Constitution of the United States." I think the amendment these gentlemen have in mind would be in conflict with the Constitution of the United States, or that clause of it which I have read in part; but it will be time enough to meet that when it is necessary to meet it, because no State can change its government to one that is not republican in form without being subject to the intervention of the Federal Government. [Applause on the Republican side.]

Mr. Chairman, having said that much, I desire, without detaining the committee further, to ask unanimous consent to extend in the RECORD my remarks touching this and kindred subjects.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. If there be no objection, it will be so ordered.

There was no objection.

Mr. CANNON. Mr. Chairman, as a part of my remarks I insert a speech made by our late colleague Hon. James A. Tawney on the 21st day of June, 1911, before the Minnesota Bankers' Association.

PROPOSED REFORMS OF THE SO-CALLED PROGRESSIVES.

Mr. CHAIRMAN: For 34 years I have been a citizen and a resident of Minnesota. Twenty years of that time was spent in the service of the State in a representative capacity. I may be pardoned, therefore, if, in discussing a subject of the magnitude and importance of the one I am to speak to to-day, I refer briefly to the pride I have always felt in the State of my adoption. No State has been more progressive in government, or in its industrial and educational development, and none have enjoyed a higher reputation for patriotic achievement, intelligence, and sanity in the consideration and determination of all great public questions, either national or State, than Minnesota.

When neighboring States were swept by the fallacies of greenbackism, free coinage of silver, or the hydraheaded political monster named populism, or other form of extreme radicalism, the State of Minnesota remained steadfast and true to sound principles of representative government, to sound and sane theories of finance, and to progressive ideas in State legislation and administration.

The men who were then looked upon and respected as leaders in political thought and action, whose master minds guided our ship of state through these trying periods of political agitation and excitement, and who were then applauded for their wisdom and unselfish devotion to State and Nation, and to the interests of the people, would in these days of political crazy quilt be denounced as reactionaries, as the representatives of the "interests," and as the enemies of progress, engaged in an effort to thwart the will of the people in the interests of corporate greed and power.

MINNESOTA'S LAWS HAVE SERVED AS MODELS.

Until recently no State in the Northwest was effected or influenced less by political nostrums than Minnesota. No Northwestern State had written into its statutes less extreme radical or populistic legislation. Many of its previous enactments dealing with important and complex problems of State government have been used and followed by older States as models. But the microbe of populism disguised in the attractive word "progressive" has worked its way so far into the blood, the brain, and the ambition of some pretended patriots and would-be leaders of political thought that our State to-day, like some others, stands on the verge of a parliamentary revolution. In fact, our late legislature fired the first gun when it enacted the so-called Oregon, but unconstitutional, plan for the election of United States Senators. It is altogether probable, too, that but for the fatigue of an officer of our State senate other similar bills would have been passed, and that, too, without petition or other demand on the part of the people. Thus, Minnesota, which has always and steadfastly refused to follow the lead of the demagogue, the quack doctors of reform, and professors of oratory, would, but for an accident, have taken a place in the front rank among the populistic States of the Union, like Oregon, Kansas, and Nebraska.

Believing, as I do, that before any change in our fundamental system of State government is adopted, the people should thoroughly understand the effect of such change; and believing also that the adoption of the proposed reforms of the so-called progressives would be a backward step in the science of government, that history proves them to have been failures wherever adopted, and that before many months we will be asked to pass judgment upon them in some form or other, I accepted the invitation to address this convention on "The proposed reforms of the so-called progressives."

THE MEANING AND EFFECT OF PROGRESSIVE REFORMS.

What are these reforms? Those discussed most, and relied on principally to popularize the cause of the progressives, are the initiative, referendum, and recall. How many in this audience, composed of men far above the average in intelligence, who know what the initiative, referendum, and recall are; what they mean; how they would operate in practice; and to what extent our whole system of representative government would be changed by their adoption? I ask this question, not for the purpose of embarrassing anyone, but because, only a few days ago, an intelligent and leading business man called on me, and in an apologetic way asked these same questions, candidly confessing that he did not know. If the same questions were propounded to the individual voter I do not believe one-third of them would be able to answer, and yet the so-called progressives would have you believe that the people en mass are demanding these radical changes in the fundamental system of their government.

The intiative and referendum means that on the petition of a certain percentage of the legal voters of the State legislation may be enacted, or legislation proposed, in the form of bills and passed by the legislature must be referred to the people for their approval by vote before they become law. The recall, as proposed by our last legislature, would mean that upon the petition of a small percentage of the popular vote any elective officer, whether executive, administrative, legislative, or judicial, may be recalled, and the people would then be required to determine by ballot whether he or someone else should be elected for the remainder of his term.

THE DIFFERENCE BETWEEN PRESENT AND FORMER POPULISTIC REFORMS.

It will be readily seen that these reforms differ radically from the reforms advocated by the Populists in the past. They are fundamental, and, if adopted as a part of our system of government, can not be changed or repealed by an act of the legislature. It is in this respect that they differ so widely and radically from reforms hitherto advocated. The reforms urged in previous populistic cycles, related only to legislative enactments, such as changes in existing law, or the enactment of new laws for the alleged purpose of better protecting the rights

and interests of the people. They did not contemplate radical amendments, either in fact or in effect, to the constitution of the State. Nor the repeal of that part of the constitution under which the people delegated the exercise of their legislative power to the legislative department of our State government. The almost absolute permanence of these proposed changes in our system of government is in itself sufficient to prompt the most careful investigation and study of their merits and to cause the people to think for themselves, before passing judgment upon them. The questions which they involve are of the highest importance. They involve the future welfare of the people and the State, therefore, we should not be influenced either by prejudice, sentiment, or passion in their determination. If we act at all such action should be the result only of our deliberate judgment formed after thorough investigation and the most careful study.

THE ALLEGED NECESSITY FOR CHANGING OUR SYSTEM OF GOVERNMENT.

The alleged necessity for these proposed changes in the fundamental principles of our Government is, that under our present system representatives of the people have, in some instances, proven inefficient, in others they have betrayed their trust by acting more in the interest of the few than in the interest of the many, or that they have been corrupt in the discharge of their duties We may concede all this, and yet these evils do not prove that the principle of representative government is a failure, or that in order to correct them it is necessary for us to abandon representative government and adopt the principle of a pure democracy, a system of government discarded centuries ago. A system, too, under which greater evils have existed than any thus far developed under the principles of representative government. On the contrary, we should endeavor to improve the government and control of political parties and their methods of selecting candidates for public office before we abandon the only principle under which government by the will of the majority is possible.

The principle of representative government is the product, and has been evolved by the Anglo-Saxon race out of the world's experience in science of government. It consists in the rule of the majority for the time being. Under the old democracies of Europe, most of which existed in counties limited in area and in population, it was possible, or it was at least thought to be possible, to ascertain the opinion of the majority by the simple process of referring matters to the people. The principle of representative government is therefore the great political invention of the modern world. It was not invented in a day, nor in a year, nor in a century. It is the masterpiece of modern political genius, which enables the majority in a democratic country, however wide in its area and however numerous its population, to make its will felt, not only in administration, but in legislation.

THOSE INCLUDED IN THE TERM PEOPLE WOULD NOT CONTROL.

The only argument of the so-called progressives in favor of the initiative and referendum as a remedy for the evils under our present system of government is that it would give to the people themselves the right to enact the legislation of the State. This right the people now possess. They have always had it. They have never parted with it. They have merely delegated the exercise of that right to their representatives, because in thus delegating the exercise of the right to legislate, they get rid of what otherwise would be an intolerable difficulty, and secure legislation that represents the will of the majority. Those who oppose this so-called reform, or these proposed changes in our system of government, are charged with being "afraid of the people," or that "they can not safely rely upon the people for the enactment of our laws," or that "they are opposed to the rule of the people." In this way the so-called progressives seek not to answer the arguments of their opponents, but to discredit them by endeavoring to arouse the prejudices of the people by claiming that their opponents distrust the people.

For myself, I do not fear, nor do I distrust the people in the sense in which the word "people" applies to the permanent population of the State. This class of the people usually gives intelligent consideration to public questions which they are called upon to determine by their ballot. But, under our system of government, with universal suffrage, it is a well-known fact that in almost every State in the Union these are not the people who control elections, because in almost every State the people differ in opinion as to how such questions should be determined, and are, therefore, almost equally divided. They are not, therefore, the people who would rule, or control the enactment of legislation under the initiative and referendum. It is the floating population of a State, the people who have no material interests in legislation, who have no property rights involved; who are here to-day and there to-morrow; in other words, it is the "birds of passage" who control elections in almost all the States and who would control the enactment of legislation under the initiative and referendum. These are the people whom the progressives would clothe with the power of determining the rights and interests of the farmer, the business man, and all other classes of property owners involved in legislation submitted under the initiative and referendum for approval or rejection by the people. These are the people I do fear. They are the people who should never be empowered to legislate directly for the permanent population of a great State. It is for this reason that those to whom the word "people" is really meant to apply should, in my judgment, unanimously oppose changing our representative form of government into a pure democracy where the purchasable quantity would be the ultimate controlling governmental power.

ONLY UNDER REPRESENTATIVE GOVERNMENT CAN MAJORITY RULE BE OBTAINED.

But there are other objections to the initiative and referendum. The fundamental principle of our Government, as in all representative governments, is that the majority shall rule, and not the minority. This is the basic principle around which our national and all of our State governments are formed. It is the superstructure of representative government. Never in the history of the world has a nation devised a republican form of government and secured rule by the majority, except by the people delegating their legislative and executive power to those whom they may elect to represent them. If because of the floating vote, or the vote of the "birds of passage," or if because of indifference in the matter of selecting suitable representatives, the people do not choose wisely in their selection of those who are to represent them in legislative, executive, or judicial offices, on what can the argument be based that they would vote more intelligently or that they would secure better results in lawmaking, if they withdrew or abandoned their representative form of government and themselves proceeded to exercise directly their undoubted power in respect to government and legislation?

UNDER OUR CONSTITUTION NO LAW CAN BE ENACTED EXCEPT BY A MAJORITY.

So careful were the people in adopting our State government to guard against the enactment of legislation by less than a majority, that they expressly provided in their constitution that no law should be enacted except by the affirmative vote of a majority of their representatives in each branch of the legislature. In this respect our representative form of government differs widely from a democracy, where, except in cases of great agitation or excitement, the rule of the people is the rule of the minority and not the rule of the majority. This is proven in every country where the initiative and referendum is now in force, or in any country in which it has ever been in force. It is even true in the State of Oregon, where the initiative and referendum has been in force for only a few years. In the recent election in Portland some 30 proposed laws were submitted to a vote of the people; about 27 of these were rejected, including a proposed law to compel street railway companies to provide suitable transportation accommodations for their patrons, a law which was enacted by the representatives of the people and is now being enforced in the Twin Cities of our State. This rule by the minority, under the initiative and referendum, is proven also by our own experience in Minnesota.

The constitution of our State can be amended only by and through a referendum; that is, all proposed amendments must be referred to the people for their approval, but less than a majority of all those voting at a general election can not amend the constitution. It requires the affirmative vote of all those voting at a general election. If our constitution could be amended by the affirmative vote of a majority of those voting on the amendment, then no less than 100 amendments would have been adopted in the last 15 or 20 years, for usually a majority of those voting on the amendment vote in the affirmative, but they are in almost every case only a small minority of the total vote cast at a general election, and for that reason so many proposed amendments are rejected.

That minority rule obtains almost exclusively in every country where the initiative and referendum is in force let me cite the experience of the people of Switzerland. Last March, when this question was under consideration by our legislature, I wrote to our minister at Berne, Switzerland, a personal letter for information concerning the operation of the initiative and referendum in that country. I did this because the operation of this principle of government in Switzerland was being used to prove the beneficial advantage to the people of this policy. At that time Hon. Lauritz S. Swenson, of Minneapolis, now minister to Christiania, was our minister at Berne. A short time ago I received his personal and unofficial reply. I wish that every citizen of Minnesota could read it. It is full of facts and information that they ought to know. Mr. Swenson says:

BERNE, SWITZERLAND, *April 14, 1911.*

Hon. JAMES A. TAWNEY, *Winona, Minn.*

MY DEAR SIR: In compliance with your request of the 30th ultimo, I hasten to furnish you such data and observations on the Swiss initiative, referendum, and recall as suggest themselves to me.

The recall does not exist in Switzerland; the Federal initiative applies only to the revision or amendment of the constitution; and the Federal referendum, which is obligatory as to all measures involving constitutional changes, may be invoked in the case of laws and decrees "of a general nature and not of an urgent character," the Federal Assembly being the judge on the latter point. An initiative requires 50,000 signatures; a referendum, 30,000, or 8 Cantons, within 90 days from the date of publication of the law. The total registered vote in the Confederation is ca. 775,000. To change the constitution requires a majority of the Cantons, as well as a majority of votes cast on the question. All the Cantons have the initiative or the referendum, or both—constitutional and legislative. Its introduction was a compromise between the party advocating pure democracy and the party advocating representative government. It derives its origin from the practice under the old Swiss Confederation, when the ambassadors of the 13 independent States had to refer to their governments for confirmation the decisions of the Federal Diet. The constitution of 1848, under which the present Confederation was formed, provided for initiative and referendum on the question of revising or amending the constitution only. In time there arose a demand for greater centralization, with the referendum as a check. The constitution was accordingly revised in 1874, the referendum being included as above, but the initiative suppressed. In 1891 the initiative on constitutional questions was reestablished, but by only 183,000 votes out of a total registered vote of 642,000; the total cast being 304,000, or less than half the registered vote.

It is important to bear in mind that the national legislature elects the Federal Executive as well as the Federal judiciary, and that no veto power can be exercised by the Executive, nor can any judicial power question the constitutionality of its statutes. The Executive, not being elected by the people, can not as their direct representative be expected to counterbalance the power of the legislature, which elects him. Only by means of the referendum, or "people's veto," can a negative be interposed. This is the situation also in the Cantons. You will notice how essentially Switzerland differs from us in this respect. It should also be mentioned in this connection that the Swiss Parliament is not restricted by any "bill of rights" embodied in the constitution. The legislators are not nominated at primaries; and their terms of office are longer than with us—three years. To base legislation in Minnesota or elsewhere in the United States on experience had in Switzerland is not logical. Nevertheless, certain deductions of value and general application can be drawn therefrom.

Conditions in Switzerland differ widely from ours socially, commercially, industrially, politically, and geographically. Here is an established society extending back over hundreds of years. Institutions are more stable, and the people are more conservative and cautious by training and tradition. The population is largely composed of rural freeholders, and there is not a continuous influx of immigrants of all kinds who in short order become voters. Naturalization is not easily acquired in Switzerland. To become a citizen of the Confederation a foreigner must first be admitted to citizenship in the commune and the Canton. The communes possess property, the proceeds from which are distributed in some way or other among its citizens. An applicant for the privilege of becoming a "burger" must accordingly pay for it—in most cases quite a respectable amount. He then feels that he has a property interest in the community, and will naturally help to safeguard it against any radical interference. Innovations are, therefore, discouraged. An election is more an affair of sober judgment than with us, and it is not accompanied by such turbulence and sinister moves. There is not so much fuss and friction in solving political problems, nor is there an army of political workers. Elections are not expensive.

Political questions are less complex, and the voters have closer personal knowledge of the conditions under discussion, owing to the smallness of the country. The voters are, as a rule, more conservative than their legislators.

Switzerland has a government for a simple people and a small country. The population of Switzerland is ca. 3,800,000. Its area is about 16,000 square miles; that of Minnesota ca. 83,000 square miles. St. Louis County has an area of nearly 6,000 square miles, I think. The largest Canton (State) in Switzerland has ca. 2,900 square miles, the smallest 91 square miles, or less than two townships. More than half of them have less than 500 square miles each. The eleven smalles tCantons, with a total area of 2,056 square miles, could be put into Otter Tail County. Five Cantons would go into Freeborn or Goodhue, and four into Nicollet and almost into Dodge. The most populous Canton has a population of ca. 600,000, mostly rural. Its area is 2,660 square miles, as compared with Otter Tail's 2,200. Nothwithstanding the apparently favorable conditions under which the Swiss initiative and refgrendum have operated, the practical workings of the system have brought out many drawbacks.

It is said to be weapon in the hands of the minority to keep up a constant political agitation; and owing to the large abstention from voting, it is not the people, but a relatively small part of the electoral body that rejects or enacts a law. A majority of the legislature, representing a majority of the electors, may pass a law, and a minority of the voters may, on a referendum, defeat the expressed will of the majority. And the people will time and again reelect the lawmakers whose measures have been thus rejected—and repeat the performance of setting their work aside by a decided minority vote. In some communes it has happened that only 19, 14, and as low as 10 per cent of the voters have participated in a referendum election. In the most populous Canton, that of Berne, 68 measures were submitted between 1869 and 1888. The average absentations during that time was 45 per cent. In one Canton a majority of the electors remained away in 17 referendum elections.

In one case a law was rejected by 207,000 out of a total registered vote of 625,000, 410,000 votes having been cast. Another law was rejected by 193,000 out of a registered vote of 600,000, the total cast being 313,000. Again, a law was rejected by 177,00 out of 700,000 registered and 300,000 cast. By law I mean a bill passed by the legislative body. I give the round numbers.

One bill unanimously passed by both houses was rejected by the people. A legislative proposal to revise the constitution was defeated by 260,000 out of 642,000 registered votes and 380,000 cast. Still another proposed amendment was turned down by 156,000 out of 625,000 registered and 297,000 cast. One amendment was adopted by 156,000 out of 716,000 registered and 245,000 cast. Another by 162,000 out of 716,000 registered and 248,000 cast. One constitutional amendment proposed by initiative carried by 191,000 in a registration of 669,000, 127,000 being cast in the negatives.

Some years ago the Socialists secured the necessary number of signatures for a proposal to revise the constitution so as to provide that the right of every Swiss citizen to remunerative labor should be recognized and made effective in every possible way by federal, cantonal, and communal legislation. Though not strong enough to effect this change, they put the people to the inconvenience and expense of an election. It has proved an easy matter to procure signatures; and a compact minority selfishly interested may, and often does, control the situation at the polls, because of the indifferncce among the voters in such elections. (The charter or home-rule election in Minneapolis four or five years ago is a case in point.)

The difficulty in getting out the vote has resulted in the enactment of obligatory voting laws in some of the Cantons. In other words, the people first demanded the right to initiative and referendum vote and then pass laws to compel themselves to use that right.

At present, proportional representation is being advocated as the best method for securing popular government. The question of electing the members of the lower house in the national legislature by that method was decided adversely at an initiative election held last October. The parliamentary members representing the defeated portion of the electors thereupon petitioned the federal council to submit such a bill for legislative enactment. This presented the anomaly of an appeal from the people to the legislature by the very persons who had demanded the initiative election. This month the Canton of Zurich was compelled to hold an election on the same subject (election of its cantonal legislators by the "proporz") with the same result.

It is urged against the system under discussion that it is an appeal from calm deliberation to prejudice and spasmodic, artificial sentiment. Also that the people have not the facilities, leisure, or will to study legislation as a legislative body of competent persons does. Then, too, it lessens the sense of responsibility on the part of the legislator.

The initiative, referendum, and recall in a country where conditions are more or less unstable and in a state of constant transition and rapid development would have a tendency toward radical, hasty, and ill-digested legislation. The statesman would be at a discount, whereas the impractical theorist, the agitator, and demagogue would be at a premium.

The referendum should be reserved largely for fundamental questions—that is, it should be the exception instead of the rule. Even then it is not an easy matter to induce the people to show the proper interest, as is evidenced by our experience in attempts to amend the State constitution.

With best regards, I am,

Very truly, yours, LAURITZ S. SWENSON.

Thus we see that even in Switzerland, with a staid and homogeneous people, inhabiting territory not as large as three counties in our State the size of St. Louis County, where the compactness of its population and intercommunications by rail and electricity make it possible for the people of every section to be near and familiar with those of every other section; where they have a restricted suffrage; where only property owners can exercise the right of franchise; where they have no foreign population unacquainted with their language, their laws, their customs, their institutions, their history, and the traditions of their country, the initiative and referendum has not proven a success as a means of securing government by majority rule. Even if it were a success in Switzerland, it would not, as Prof. Swenson says, be any indication that it would be a success with us, because of the widely differing conditions socially, politically, and geographically.

THE LEGISLATIVE ACTS OF THE PEOPLE FINAL AND CONCLUSIVE.

If, then, we were to adopt the initiative and referendum, logically, we should at the same time abolish the legislature entirely as a useless, expensive, and unnecessary piece of governmental machinery. For in that case the only function remaining for the legislature to perform would be to draft measures to be referred to the people for adoption or rejection. A board of five or seven, composed of expert legislative architects or draftsmen, could perform all the legislature would then have to do, and, no doubt, perform it more efficiently and more satisfactory to the people. We could then abolish the Constitution, so far as it relates to legislation. We could also abolish the bill of rights, which is a limitation only upon the power of the legislature and not upon the power of the people; and we could abolish the veto power of the Chief Executive, for if the people abandon representative government by the adoption of the initiative and referendum and themselves assume the exercise of all legislative power, neither courts nor governors could question their enactments. The people are the source of all political power, and no one will contend that a creature of the people, like a constitution, a governor, or a judge, could possess the power to overrule or set aside the action of their creator. Their legislative enactments under the initiative and referendum would have the same force and effect in law as the provisions of the Constitution. They both emanate from the same source. Hence, there would be no limitation upon the legislative power of the people; there would be no bill of rights the people would be bound to respect, nor could there be any veto, either executive or judicial, of their legislative action.

That this is so, necessarily follows from the undisputed fact that the people are the source of all political power. In Luther *v.* Borden, in the seventh of Howard, Webster, in his argument, said:

"Let me state what I understand these principles to be: The first is, that the people are the source of all political power. Everyone believes this. Where else is there any power? There is no hereditary legislature; no large property; no throne; no primogeniture. Everybody may buy and sell. There is an equality of rights. Anyone who should look to any other source of power than the people would be as much out of his mind as Don Quixote, who imagined that he saw things which did not exist. Let us all admit that the people are sovereign. Jay said that in this country there are many sovereigns and no subjects. A portion of this sovereign power has been delegated to government, which represents and speaks the will of the people as far as they choose to delegate their power."

THE OPPORTUNITY FOR DISCRIMINATION IN LEGISLATION UNLIMITED.

This doctrine has been accepted and followed by the Supreme Court of the United States and by the supreme courts of the States throughout our entire history. It of necessity would make the legislative acts of the people under the initiative and referendum final and conclusive. This being so, it does not require a vivid imagination nor any profound thought to see the extent to which the people in one section of the State might be permanently injured for the benefit of those in a more thickly populated section, or the extent to which the rights of one class of citizens might be entirely ignored as the result of prejudice and passion, or the extent to which property of one section or one class could be made to bear the burden of State government while that of another class might be exempt. In this way the progress and development of a State might be permanently injured, capital necessary to the development of industries could not be obtained.

If it is possible under representative government to corrupt the electorate, as has been done in order to control the election of certain men, it is equally possible to corrupt that same electorate for the purpose of controlling legislation, especially when legislation can be enacted or rejected by a small minority, as is the case wherever the initiative or referendum has been or is now in force.

GOV. WOODROW WILSON.

In speaking on these reforms in different parts of the West, a distinguished gentleman, the governor of a great State and a candidate for President of the United States, Gov. Woodrow Wilson, on May 18, at Portland, Oreg., said:

"To nullify bad legislation the referendum must be adopted, and it is only a question of time until it will be extended to the Nation. The better education of the people through the various States, of which Oregon was the first, will enable them to pass intelligently upon national measures. In such manner will popular government be lifted from the ranks of theory to actuality, and a democracy which represents the will of the people be established.

"I have not yet made up my mind on the subject of the recall of the judiciary. [I wonder why.] I am open to conviction, but as yet fail to see where it would be a wise law in many respects, as fear of the people's displeasure might lead some judges more to popular expression than to an interpretation of the law."

But let us appeal from "Philip Drunk" to "Philip Sober." By reading what Gov. Wilson said on this subject, when not a candidate for the nomination for President of the United States, but president of the Princeton University, writing deliberately and thoughtfully on the subject of government. Among other things, he said:

"A government must have organs; it can not act inorganically, by masses. It must have a lawmaking body; it can no more make laws through its voters than it can make laws through its newspapers."

Then, in speaking of the effect of the initiative and referendum in Switzerland, Gov. Wilson again admits that this policy of government has not proved a success. He says:

"The initiative has been very little used, having given place in practice, for the most part, to the referendum. Where it has been employed it has not promised progress or enlightenment, leaving rather to doubtful experiment and reactionary displays of prejudice than to really useful legislation."

With respect to the referendum, Mr. Wilson says:

"It has led in most cases to the rejection of radical legislation, even to the rejection of radical labor legislation, such as the ordinary voter might be expected to accept with avidity. They have shown themselves apt to reject also complicated measures which they do not fully comprehend and measures involving expense which seems to them unnecessary. And yet they have shown themselves not a little indifferent, too. The vote upon most measures submitted to the ballot is usually very light; there is not much popular discussion; and the referendum by no means creates that quick interest in affairs which its originators had hoped to see excited. It has dulled the sense of responsibility among legislatures without in fact quickening the people to the exercise of any real control in affairs."

The inconsistency of so distinguished a man as Gov. Wilson in his views on this important question, when a candidate for office and when writing his deliberate judgment in the quiet of his study, giving his reasons therefor, illustrates the danger to the people of acting upon the views of any man, however learned or exalted, when his views may be colored by or be the result of political ambition.

THE RECALL.

The importance of this subject makes it impossible in a single address to more than touch the high places or call attention to only a few of the chief objections to the adoption of these proposed reforms.

The recall has been discussed recently and quite extensively, especially in its application to judges, and is, therefore, better understood. Then, too, the people are gaining knowledge concerning the recall from experience. There is nothing more instructive in government or nothing that proves more conclusively the fallacies of populism than experience. Let me read from an editorial of May 5, 1911, on the experience of the city of Tacoma, Wash., under their municipal recall:

"ONE RECALL EXPERIENCE.

"Those who revel in the excitement of a political campaign can wish for nothing more satisfying than the recall system as it is being operated in the city of Tacoma. On the 5th of April an election was held to determine whether the mayor should be ousted before the expiration of his term. None of the candidates received a majority of the votes cast and another election was held 10 days later. This time the mayor was deprived of his seat. Two weeks later, on the 2d of May, the required petition having been filed, the four city commissioners were hauled up for the ordeal. The election was not decisive, and another election has been ordered for the 16th of May. If this contest does not give a majority, the citizens will have to try again. When the commissionership has been disposed of the requisite number of citizens may take it into their heads to petition for the recall of some other officers, if there are any others subject to the law.

"With officeholders liable to be called into three or four campaigns during a single term, on the initiative of political machines whom they offend, how long will Tacoma or any other city that adopts a similar system be able to induce men of the right caliber to run for office? How long will the better class of voters take an interest in this kind of business and go to the polls to give expression to the honest sentiment of the majority whenever a handful of citizens compels an election?"

Under the municipal recall of Tacoma, therefore, there were four elections in less than two months. That ought to satisfy the most progressive progressive. It also ought to afford all the political excitement necessary to satisfy all of the active politicians, and furnish almost permanent employment at regular campaign rates of pay for all the political heelers, and insure a thriving business for the "gin mills," especially in the "down-town wards" where most of the "birds of passage" vote.

THE RIGHT OF RECALL MUST BE UNIVERSAL.

But it is said by our junior Senator and other progressives that the recall would never be used to recall a good officer or the good judge, but only to recall the bad ones. Who is to determine the good from the bad? The wild-eyed reformer whose uncontrolled zeal and unbalanced judgment may find executive or legislative officers too bad, because too conservative to suit his notions of reform legislation and administration, or the courts too rigid or technical in their interpretation of the law to serve the elastic purposes of his proposed reforms; whereupon in his righteous wrath he proceeds to stir the souls of his faithful followers to issue a recall of the governor or other State officer, members of the legislature, or the judge, in the name of progressive reforms?

The right to petition for the recall of an officer can not be restricted to those alone who are supposed to be qualified to determine the good from the bad official. The exercise of this right can not be limited to United States Senators, college professors, lawyers, and doctors, to farmers and railroad officials, nor to wholesale and retail merchants. If the right is granted it must be granted to all alike, to be exercised by any or all alike. The recall therefore, if adopted, would instantly change the title of every elective officer from that of a fee-simple title to that of a title at will. That is, where an elective officer who now has a fixed term established by the will of the majority, it is proposed to limit that term, dependent on the will of a small minority, who, for any reason or no reason, except perhaps political advantage or the gratification of personal malice, may petition for his recall.

THE RECALL IN THE NATURE OF A PUBLIC INDICTMENT.

Under this system it will be seen, therefore, that the misguided or malignant passions of an unimportant part of the community may accuse the most efficient elective officer, and by the use of groundless charges or published misrepresentations, create suspicion and distrust where formerly public confidence and faith existed; thus depriving the State of the services of an efficient and an upright executive officer or stainless judge. The recall is in the nature of a public indictment, returned, not upon evidence, but upon the will or the caprice of those who frame and sign it, charging no offense, moral or legal; presented to a court that is bound by no rules except the rule of the majority, where the defendant is denied all presumptions in his favor, and where he can not answer any specific charge, for no specific charge is necessary to secure his conviction.

Our junior Senator would say that the recall merely affords the elective officers an opportunity to go before the people again at another election.

"Yes," as it has been well said in respect to the recall of judges, "but how does he go? Does he go as a clean-hearted, clear-headed candidate, resting his claims upon his ability as a judge or his honor as a man? Does he go with pride, gathered as the fruits of a useful life? Does he go as the embodiment of courage and patriotism? No; he goes with character dismantled by the attacks of those who would destroy him. He goes with his oath of office broken by the furtive whisperings of those who hold a grudge. He goes with his honor stained by the vulgar hand of the reckless accuser. He goes leaving his family at home in the shadow of disgrace. He goes impugned, impeached, outraged, and dishonored, not so much to regain the worthless office, but to restore his shattered fame and recover his foreclosed honor."

THE MALICIOUS CHARGES AGAINST OUR SUPREME COURT.

We can all remember when, only a few years ago, through a leading newspaper of the State, a member of the Minnesota bar arraigned the judges of our supreme court upon reckless, groundless, and malicious charges. If he and the newspaper referred to would then have had the right to have invoked the recall, they doubtless would have secured the requisite number of signers and recalled the entire supreme court, thereby subjecting its members to the humiliation and disgrace of defending themselves before the people against the baseless charges of their reckless accusers.

THE EFFECT OF THE RECALL UPON EFFICIENCY IN PUBLIC SERVICE.

How do the advocates of the recall expect to improve, or even secure efficiency in the public service, under that policy? What elective office is there to which there is attached sufficient honor or salary, or both, to induce a man with the knowledge, ability, and character the position demands, to seek or even accept the office and thereby subject himself to the humiliation of the recall upon the groundless petition of a small percentage of those who may have opposed him for the place?

If it is the purpose of the advocates of the recall to lower the standard of efficiency in the public service, if they want men for public office not actuated by a high sense of public duty, men whose sole ambition is to be in the spot light or seek public office for the salary alone, they could not favor a law that would more completely accomplish their purpose than the recall.

In private employment it would not be possible to secure the services of a man competent for the position of president, general manager, or other important positions in any business organization where the employer reserved the right to, at will and without cause, recall such officer in three or six months. In the Federal civil service and in the civil service in many of the States the right of recall at will has been abandoned. This right under the civil-service law and regulation can be exercised only upon a specific complaint in writing, setting forth all the charges, which must be supported by competent evidence under oath at a hearing where the employee is given an opportunity to confront civil service in many of the States the right of recall at will has been which his recall is asked. Under existing law, both State and national, the same rule applies with respect to judges and all other officers; that is, the people, through their representatives, possess the right of recall in the form of impeachment. If the delinquency complained of is not an impeachable offense, then the cause for which his removal is desired must have existed before the people elected him and with proper attention to their own interests prior to the election could have been ascertained. Even in such cases the people are not without a remedy. Such officer can be recalled when his term expires, which under our system is always short.

NOT PROGRESSIVE, BUT DISCARDED PRINCIPLES OF GOVERNMENT.

But it is said the initiative, referendum, and recall are progressive principles of government and that those who oppose their adoption are necessarily reactionaries. This is the first time in the political history of our country when it has been claimed that principles of government in practical operation as part of the governmental system of many nations more than a century ago and discarded because of their inefficiency in securing government by the rule of the majority could be revived in the twentieth century and claimed to be progressive governmental principles. Yet that is the situation to-day.

The initiative, referendum, and recall formed part of the governmental system of almost every Republic that has ever existed. We ourselves lived under the recall prior to the adoption of our Federal Constitution. The first tentative draft of the Constitution of the United States, presented to the Constitutional Convention in 1787 by Edmund Randolph, of Virginia, contained a provision for the recall of Members of Congress. When this provision was under discussion in that convention, in connection with the election of Members of Congress, Gerry, of Massachusetts, made a powerful argument in favor of a representative democracy as against a pure democracy. He did not fear the people, but he feared the pretended patriots. He said:

"The evils we experience flow from the excess of democracy. The people do not want (lack) virtue, but are the dupes of pretended patriots. In Massachusetts it had been fully confirmed by experience that they (the people) are daily misled into the most baneful measures and opinions by the false reports circulated by designing men and which no one on the spot can refute."

Randolph, in speaking on the same subject, observed:

"That the general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and follies of democracy; that some check, therefore, was to be sought for against this tendency of our Government."

Jefferson also said:

"Modern times have * * * discovered the only device by which the (equal) rights (of man) can be secured, to wit: Government by the people, acting not in person, but by representatives chosen by themselves."

THE RECALL REJECTED BY FEDERAL CONSTITUTIONAL CONVENTION.

On June 12, 1787, on motion of Mr. Pinckney, the provision for the recall of Members of Congress was unanimously stricken out of the proposed draft of the Federal Constitution.

In view of the fact that for 10 years prior to that time the people of the United States had the recall under the Articles of Confederation, and in some of the States, and the experience of the people was known to the delegates in that Constitutional Convention, their unanimous action in rejecting it as one of the principles of our Federal and State Governments is very significant. It should cause our people to reflect seriously upon the question of now reviving and adopting as part of our system of government a principle thus unanimously rejected by the founders of our Republic and rejected, too, in the light of 10 years' experience under its operation.

SO-CALLED PROGRESSIVES ARE REAL REACTIONARIES.

In advocating the initiative, referendum, and recall our friends the progressives are, in the light of the history of these principles of government, now proposed as progressive reforms, the reactionaries under the ordinary acceptation of that term, and not those who are opposed to them. They are "harking back" into the governmental graveyards of more than a century ago and resurrecting the decayed remains of old and discarded theories and principles of government buried for centuries beneath the sod of public disapproval and attempting to vitalize them with the magic word "progressive."

They may succeed in making a majority of the people of Minnesota believe that this would be progress, but it is not the kind of progress our State has been making for more than a half century. It is not the kind of progress that has made Minnesota one of the most progressive States in the Union and our Nation the most progressive in the world. It would be progress backward.

Mr. SAUNDERS. Mr. Chairman, a few moments ago in the course of this debate a gentleman stated that no one had arisen in this House to defend the constitution of Arizona. I desire to say in response to that statement that no gentleman, either in this House, or in the Senate, has attacked the constitution of Arizona in the only respect in which we are concerned to examine it, and that is to determine whether, or not, it is Republican in its form and character. Until that attack is made it is unnecessary for any Member to defend that constitution on this floor. The gentleman from Illinois [Mr. CANNON] said that he heartily defends, and approves the veto

of the President. Let us see what it is that he approves, and defends. Not the recall, for that is not in issue; not the question whether, or not, as an abstract proposition the recall is right, because that proposition is not presented to this House; but the gentleman from Illinois defends the proposition that a Territory which has framed a government confessedly republican in form, and character, shall not be admitted into this Union, until it pares down the features of that government to meet the views and wishes of the President. That is the proposition that the gentleman from Illinois defends before this body, when he defends that veto.

Mr. CANNON. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. CANNON. I want to say that in my judgment those provisions are not republican in form.

Mr. SAUNDERS. The gentleman from Illinois is the first gentleman who has arisen, either in this House, or in the other body, to undertake to maintain the proposition that the constitution tendered by the people of Arizona does not provide a government that is republican in form, and character. It has been a concession in this debate, it is admitted by the President, that the constitution of Arizona is not obnoxious to this criticism. We have had no occasion to maintain the proposition that this constitution was unrepublican, for the reason that up to this time, no man has dared to assert that it was not republican both in form and character. [Applause on the Democratic side.] I affirm anew that not even the President himself, has undertaken to maintain such a proposition.

The gentleman from Illinois asserts that this is not a popular, but a representative form of Government. It is both, but it is only representative by the popular authority. The Constitution does not guarantee to the States a representative, but a republican Government. The issue presented by the President's veto is not upon the merits of the recall. On the last analysis, the issue tendered is upon the right of local self-government. The President's veto attacks popular sovereignty. No application of a Territory for admission, has ever heretofore been rejected on the grounds advanced by the President. Should this House agree to the proposition that this veto is well taken, or that no Territory shall be admitted into the Union, so long as the Executive can cavil at the wisdom of some detail of the constitution which she tenders? Suppose Arizona were admitted into the sisterhood of States with no change in her constitution? Would she find herself standing solitary and alone in the enjoyment of the recall? By no means. The right of recall is exercised in modified form in more than one State.

In its absolute and complete form, it is exercised in the State of Oregon, and the great State of California is preparing to adopt an amendment which provides for the application of the recall to every official in that State.

The President of the United States for the present has the power, but not the moral right to say to the people of Arizona that they shall not exercise a right of popular sovereignty which now inheres in every State in the Union. I say that the issue raised by the veto is a greater issue than the one the President vainly seeks to present. We are not concerned to quibble over the recall, initiative, or referendum when they are presented as a part of a republican government created in their sovereign capacity by the people of Arizona. The real question is not whether the recall is a good thing, or a bad thing, but whether the people of Arizona have the right to write it into their constitution if they so desire. I care not about the arguments advanced in the message. These arguments are directed against a man of straw. We are not concerned whether the President approves or disapproves of the recall, the initiative, or referendum.

We are not exercised over his opinion that a corrupt judge should be protected against that exercise of popular sovereignty known as the recall, but as a liberty-loving people living under a Constitution which merely provides that every State shall be guaranteed a republican form of government, we are concerned to see the President refuse to follow the plain implication of that Constitution, that a Territory tendering a republican form of government, if qualified in other respects, shall be admitted into the Union. The President seeks to scotch the principle of the recall. His action has really advanced it. The people of Arizona will doubtless expunge the offending article from their constitution in order to secure admission into the Union, but once admitted and smarting under a sense of flagrant injustice, they will take immediate steps to embed anew, in their fundamental law, the provision for the recall, a provision which under the vote provided for by the original resolution might otherwise have been rejected. [Applause on the Democratic side.]

Mr. DICKINSON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it had not been my purpose to speak on this joint resolution, seeking without further delay to enable the people of New Mexico and of Arizona to each form for their respective States a constitution and State government and to be admitted into the Union on an equal footing with the original States, but living in a section of country that has furnished no small portion of the citizenship of these States, and for years having been anxious to see the people of these Territories have accorded to them the rights of statehood, I could not refrain from protesting against any further delay.

I want to see New Mexico admitted as a State into the Union and I want Arizona likewise admitted. Both of the great parties of this Nation have for years repeatedly, in their national party platforms, promised these people that they should be speedily admitted as States into the Union.

The constitution of New Mexico has been approved by the President, notwithstanding serious defects in its provisions. The constitution of Arizona has not been approved by the President, and, as I understand, his approval has been withheld because it provided for a recall of the judiciary. To meet the views of the President the joint resolution introduced at this session provided that the people of Arizona should vote again and separately upon the question of the recall of judges, and the joint resolution admitting both Territories, with the provision that the people of Arizona should vote separately upon the recall of judges and that the people of New Mexico should vote upon a separate resolution making her constitution more easily amendable, was submitted to the votes of both Houses of Congress, and was passed by the House by about 4 to 1 and by the Senate by about 3 to 1.

The only controversy was over the question of the recall of the judiciary in the constitution of Arizona. The requirement under the enabling act was that these constitutions should be republican in form and not in conflict with the Constitution of the United States and both subject to the approval of the President. No one contended in either branch of Congress that the constitution of Arizona was not republican in form or in conflict with the Constitution of the United States. I believed that these Territories were entitled to be admitted under the original resolution submitted at this session by the committee, modified to conform to the views of the President as by them understood. It would have saved much time and trouble, much controversy, and would have prevented much criticism and display of partisanship if no misunderstanding had arisen. However that may be, I have no special desire to criticize the President or anyone. Surely the committee or these gentlemen and members of the committee who saw the President in the desire to know his views before preparing and submitting their joint resolution are not subject to criticism.

Their anxiety for the admission of these States induced them to call upon the President and to confer with him, and it was a courteous act. If the President at that time was not satisfied with a mere resubmission by which the people of Arizona could vote again upon the question of recall of judges, or if he afterwards reached the conclusion that he would veto the joint resolution admitting Arizona as a State unless there was a mandatory provision that upon a new vote the right to recall the judges should be taken out of the Arizona constitution, he does not seem to have conveyed to the Committee on Territories, who prepared the joint resolution, his definite views upon the subject.

If the President preferred to remain quiet and to withhold knowledge of his probable conduct, it was a right that he could exercise, and yet at the same time his partisan supporters have no just grounds for complaint if criticism resulted. The President of the United States is but a man, although holding the high position of President. He is just as much subject to criticism by any citizen of this Republic and by any Member of this Congress as Congress is subject to be criticized by the President in a veto message. [Applause on the Democratic side.]

However popular he may be as an individual by reason of his genial personality, which delights those who come in contact with him and cause so many to speak of him in friendly words, yet when he acts as a public officer or as a partisan he is subject to the criticism of the American people and their Representatives in Congress. And the right to criticize the mistaken judgment or partisan conduct of a high official as evidenced by his words or acts will be preserved to the American people as long as the Republic lives. And the right of just criticism will be asserted as long as a free people are permitted to contend for better laws and better conditions, for free-

dom of speech will not be denied wherever free government exists.

The President saw fit to veto this joint resolution seeking to admit these peoples to statehood, regardless of their desire to enter the Union, regardless of the overwhelming vote in both Houses of the American Congress, regardless of the fact that it is admitted that the constitution of Arizona, which was complained of, was republican in form and not in conflict with the Constitution of the United States, meeting every requirement, yet because the people of this Territory preferred to reserve in their constitution the right of recall, as applied to the judiciary as well as other officers, with the high purpose of insuring an honest judiciary, the President saw fit to strike as with a mailed hand the effort of this people to enter and be admitted into the Union of States on an equal footing with the original States and to say to them and to Congress "not until you have first stricken out the right of recall of the judiciary from your first constitution." It is not denied that the President had the right to veto this act of Congress, nor will it be denied that Congress likewise has the right to pass this bill over his veto, if it can.

I was in favor of the original resolution, and would have voted again for that resolution and to pass it over the veto of the President if it had been reported out of the committee and resubmitted for a vote to this Congress; and no man is justly subject to criticism if he should cast his vote as he had cast it in the first instance.

But I desire, here and now, to cast my vote in favor of this joint resolution modified again to meet the supposed views of the President, as uttered in his veto message, whereby it is made mandatory that by a vote of the people of Arizona the recall of the judiciary shall be taken out of the proposed Arizona constitution before being submitted to the President for approval; and I shall vote for this modified and pending resolution, understanding and believing that the people of New Mexico and of Arizona are ready and anxious to become States of this Union and are verily knocking at the door of statehood, demanding admission into the sisterhood of States and anxious that Congress shall do no act to interfere with their early admission; and being informed that it is the desire of the people of Arizona, as expressed by recent communications, that this modified resolution shall pass, so that the door of hope may be opened to these people, who have long tired of Territorial government and Federal official control and who are anxious to govern themselves through their own chosen representatives, I shall gladly vote for this resolution.

I know that many courageous and strong men here, and men for whom I have the highest regard and whose leadership under different circumstances I might be glad to follow, differ with my views and feel that we ought to vote again upon the original resolution and pass it over the President's veto and take the chances of failure or success in the Senate and the chances of long delay of statehood certainly to Arizona, and for a time at least to New Mexico. But this perhaps logical course is against my judgment, against conservative conduct, against the best interests of the people of these two Territories; and I have grave fears of what might be the result if this pending resolution is not adopted.

The President has approved of the constitution of New Mexico, and by virtue of the enabling act, unless Congress should disapprove at its next regular session, New Mexico would be admitted at the close of said regular session, but the enabling act requires that the constitution of Arizona likewise should be approved by the President before admission. Suppose both Houses of Congress should pass the original resolution over the veto of the President, what then would be the status of Arizona?

I listened with great interest to what was said by the distinguished gentleman from California [Mr. KNOWLAND] when he referred to the fact that the President had not approved of the constitution of Arizona. The same thought has been in my mind, and I have offered the same suggestion in the personal discussion of this unfortunate situation; but whatever might be the possible action in regard to that, let us solve the question now, and I think it is the duty of this House, and especially the duty of those on this side, to throw no further obstacle in the way of the early admission of Arizona, as well as New Mexico, into the Union as States. The injustice of requiring the people of Arizona to first vote "the recall of the judiciary" out of their constitution against their convictions has been suggested, and that they ought not to be coerced. Members are urged to vote down this resolution, modified to conform to the views of the President, and to endeavor to pass the original resolution over the veto of the President. But I do not follow these suggestions, however much I regard those who give utterance to them.

In the first place, the recall of judges was not voted upon as a separate proposition, and, while it is possible and may be probable that if only required to be voted upon as a separate proposition, as in the first joint resolution, it would be retained, yet it is not certain that a majority of the people of Arizona desire or would vote for recall of judges, if submitted as a separate proposition. However, I can understand why a citizen of Arizona, believing in the recall, after this resolution is adopted, desiring the greater right and privilege of statehood, can postpone the right of recall of the judiciary, vote it out of its present adopted constitution, come into the Union under a constitution with the initiative, referendum, and recall of public officers, except the judiciary, and with that constitution approved by the President and being then in the Union on equal footing with the original States, it can, if its people so desire, by amendment of its constitution, adopt by vote of its people the recall of the judiciary. Having entered the Union, it might or might not desire to so amend its constitution—other States have the recall, as applied to all public officers, in their constitutions—and all the States can so amend, if they so desire.

The veto of the President was wrong. The people of Arizona had a right to make their own constitution as they saw fit, subject only to the conditions that it should be republican in form and not in conflict with the Constitution. The first resolution provided that the said recall should be voted upon at the first election, and regardless of the result the Territory admitted as a State. Under this resolution it shall be voted out in order to become a State. Such is the condition that confronts the people of Arizona. But the right of recall is the right of every State in this Union. [Applause on the Democratic side.] The agitation that has been raised will not be hurtful. The people of the several States may believe that the recall of the judiciary, like the recall of other public officers, is sufficiently fixed in short tenure of office by electing only to short terms of office all public officials and continue them in office by reelection for services well performed or by recalling public officials to private life when they have failed to acceptably fill their offices. The right of recall of judges in some form is recognized in the laws of almost every State in the Union.

I am inclined to believe that as a rule the people of the several States are better satisfied with their State judiciary than with the Federal judiciary, and there is being agitated before Congress now and resolutions have been introduced to so amend the Constitution of the United States as to put an end to life tenure of the Federal judiciary as applied to circuit and district United States judges and to make them elective or appointive for a limited period of years, and for this change I heartily stand; and if the people of the United States so amend the Federal Constitution so that Federal judges shall not hold office for life, but only for a term of years, the Federal judiciary will be more responsive to the public weal, less subject to just criticism for arbitrary conduct, less liable to be influenced by special interests, and more apt to write the law as it should be written, and in my judgment a greater and abler judiciary will fill the Federal bench; and when that change does come impartial justice, which is written in the human heart, is more liable to be done to all classes of litigants. Judges are but human, and whether State or Federal they should not be appointed for life, for fear they forget the responsibilities of their high office.

Mr. LENROOT. Mr. Chairman, I do not propose to say anything about the question of recall at this stage. I simply want to say that the responsibility for the failure to give to the people of Arizona self-government or the right to determine the question of recall of the judiciary for themselves can not be laid alone at the door of the President of the United States, for you gentlemen upon the other side of the aisle must to-day share that responsibility.

You might criticize the President if it were not for the fact that you, the majority in this House, have not done all within your power to place in the form of law the resolution that was passed some time ago. In time to come, in the campaign to come, when you criticize the President of the United States for his veto, you will be confronted with the record showing that when that resolution passed this House it passed by a vote of 4 to 1, and when it passed at the other end of the Capitol, a vote of 3 to 1, more than a sufficient two-thirds to enact that resolution into law, notwithstanding the objections of the President.

And why have you not done it? That resolution, with the veto message of the President, lies in a pigeonhole of your committee to-day, when it was your duty to bring it forth and pass it, giving to the people of Arizona the rights to which they were entitled. [Applause.]

Mr. FOWLER. Mr. Chairman and gentlemen of the committee, when the question of the admission of Arizona and New Mexico was before this House a few weeks ago I took occasion to make a few observations upon the rights of these Territories to be admitted into the Union as sovereign States. In the course of my remarks I said, "Greatness rarely comes from the mansions of the idle rich; it more readily flows from the ranks of the honest, sturdy poor," and cited Webster, Lincoln, John the Baptist, and the lowly birth of Christ as examples of greatness coming from the common walks of men. [Applause.] Gentlemen, you should not applaud after quotations from the Bible, for we have been told by MANN of authority that such is sacrilegious. The word "applause" followed this statement in the CONGRESSIONAL RECORD, which called forth a criticism from my dear colleague from Illinois [Mr. MANN], whose best boast is to style himself as the leader of a part only of the minority of this Chamber. [Applause and cheers.] Mr. Chairman, I repeat that statement now and desire to stand by the proposition as made. [Applause and cheers.] This criticism was made because I dared, in my humble way, to defend the rights of the common people to establish a form of government for themselves in these Territories. Again, Mr. Chairman, I stand on the floor of this House and declare in the name of the American system of government as handed down to us by our forefathers that all government derives its just powers from the consent of the governed, and to deny Arizona and New Mexico this right in framing their constitutions is an unwarranted invasion of the holy precincts of that sacred doctrine. These people, by large majorities, have expressed their will in the highest form of law—the constitution of a State—and I am in favor of recognizing their will instead of the will of any one man, even though that will be the will of the President of the United States. [Applause and cheers.]

Mr. Chairman, the President had a right to veto the other bill, and I do not pretend to question his power under the national Constitution to do so. The only question which can arise is the question of the wisdom of exercising the veto power under such circumstances. We must admit that he has the last guess at it. We are done guessing at the old bill, and the only thing we can do now is to pass the bill before us and give the people of these Territories a chance for a home in the Federal Union, or defeat it and keep them out in violation of antielection pledges. For my own part, I am in favor of passing it, although the President has abrogated the will of the people of Arizona as to the recall of judges. I stand in the attitude of a servant who unwillingly obeys a harsh order of his master rather than lose his job. I had rather vote for this bill unwillingly than to see the good people of these Territories stay out of the Union any longer. They have stayed out long enough, aye, too long. Their prayers ought to have been answered by Congress and the President long ago. Let us discharge our duty by passing this bill, and trust to the wisdom of the common people, after they have been admitted to statehood, to correct whatever wrong may have been done, if any, by the veto of the other bill.

EXAMPLE OF GREATNESS COMING FROM THE MANSIONS OF THE IDLE RICH.

Mr. Chairman, the long and persistent fight which the "honest, sturdy, poor"—the common people of these Territories—have put up for statehood is a living example of greatness flowing from the walks of common, sober sturdiness. It may not be interesting to the gentleman from Illinois [Mr. MANN]; doubtless it is not, for he voted against the passage of the other bill, and I have no doubt but that he will vote against this one. He does not seem concerned about the success of the lowly, struggling for higher civilization.

Mr. Chairman, I desire now to give an example of greatness coming from the mansions of the idle rich; perhaps that will be much more interesting to him than the discussion of this measure. During the Fourth of July holidays last month I spent a few days in Chicago. In the south side of that great city lies the second congressional district, represented by my distinguished colleague, JAMES R. MANN. [Applause and cheers.]

Concentrated here is a group of powerful, oppressive trusts, among which are the Illinois Steel Trust, the Pullman Palace Car Trust, the Lumber and Shipbuilding Trusts, the Asphalt and Cement Trusts, and still others. [Applause and cheers.] Hyde Park, the site of the World's Columbian Exposition in 1893, but now the home of the aristocrats of Chicago, and beautiful Lake Calumet adorn this district. Here, living in stately mansions far surpassing in cost the castles of kings, are congregated a bunch of idle rich, not one of whom have a baby to show [applause and cheers], but each of whom have a dog to show. [Applause and cheers.] They pour out their affections and lavish their ill-gotten gains upon these poodles, to the disgust of the decent public.

I had scarcely reached the city until I was attracted on all sides by a rumor of a birthday party to be given down in the second congressional district. On closer inquiry I learned that it was an affair of this bunch of idle rich in honor of the birth of a dog—"Madam Dog Lufra," if you please. This frivolity and hilarity among dogs was scheduled to take place at the home of Lufra's mistress, who had invited the dogs of other idle rich, together with their owners, to be present and take part in this curious but most interesting dog celebration. They had been trained to walk on their hind legs and were dressed like men and women. Lufra was dressed in Queen Anne style, with a long train to her dress. She wore a beautiful necklace around her neck and an anklet, set with a costly diamond, on her left ankle. "Billy," a big white duck, was her servant, and had been trained to walk behind her and hold up the long train of her dress.

One feature of the program was a parade on the lawn. As these dogs marched out of that beautiful mansion in pairs, dressed in costly finery and adorned with glittering jewels, with Billy performing his duties with as much skill and politeness as a trained servant in a king's court, the hearts of these childless rich were filled to overflowing with admiration and genuine pleasure.

While this magnificent procession was marching across that beautiful lawn, with the order and precision of trained soldiers on dress parade, with "Billy" doing his duty to the tail of Madam Dog's dress, all were filled with an inspiration to the point of self-forgetfulness. It was then that a cruel bystander threw a handful of corn in front of "Billy," who threw his eye down on the corn for a moment with a look of great anxiety, then greeted his old acquaintance—the corn—with a "quack," at the expense of dropping the tail of Madam Dog's dress, broke ranks, and went for the corn.

On discovering what had happened, one of the idle rich cried out, "La, look! 'Billy' has thrown up his job." An Irishman in the crowd replied, "No, madam, he's throwing down his job, after the corn." [Laughter.] Humiliated with "Billy's" forgetfulness and rudeness, his mistress rebuked him and ordered him to take his place in the parade, but he did not hear her; he had now become a duck again and was too busily engaged in conversation with the corn in the duck language. [Laughter.]

Highly incensed at his impudence and disobedience, she called Madam Dog's escort, "The Duke," to her assistance. The chase after "Billy" began at once. Forgetting her hobble, she tried to keep up with "The Duke," but soon fell down. Excitement ran high; pandemonium broke out in the ranks of the procession; its members, forgetting that they were playing the rôle of people, got down on their four feet, became real dogs again, and joined "The Duke" in chasing "Billy"—in real dog sport. "Lufra" was as anxious for the fun as any, but soon became entangled in the train of her dress and, while scratching to free herself, lost her anklet diamond. The chase now became general, but "Billy," by the aid of his wings, kept at a safe distance, circling the grounds in search of corn.

At last, discovering the lost anklet jewel and mistaking it for the last grain of corn, he quickly gobbled it up, then slowly arose, circled across the landscape, and safely alighted far out on the peaceful bosom of beautiful Lake Calumet, with a $50,000 anklet diamond in his crop and a red necktie under his throat. As he passed out of sight one of the idle rich gasped, "He swallowed 'Lufra's' diamond; he's gone; what shall we do?"

Where, where was Roderick then?
One blast upon his bugle horn
Were worth a thousand men.

[Loud applause.]

Mr. FOWLER. One minute more, Mr. Chairman. I ask unanimous consent for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his time may be extended for five minutes. Is there objection?

Mr. PAYNE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from New York demands the regular order, and the Clerk will read.

The Clerk proceeded to read the bill.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Illinois may be extended for one minute. Is there objection?

Mr. PALMER. Mr. Chairman, I object.

Mr. FOWLER. Mr. Chairman, I move to strike out the last line. [Loud applause.]

The CHAIRMAN. The motion of the gentleman is not in order. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the admission of New Mexico shall be subject to the terms and conditions of a joint resolution approved February 16, 1911, and entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico."

The CHAIRMAN. The pro forma amendment offered by the gentleman from Illinois will be withdrawn, and the Clerk will read.

The Clerk read as follows:

The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the State, where a newspaper is published once each week, for four consecutive weeks, in English and Spanish when newspapers in both of said languages are published in such counties, the last publication to be not more than two weeks prior to the election at which time said amendment or amendments shall be submitted to the electors of the State for their approval or rejection; and the said amendment or amendments shall be voted upon at the next regular election held in said State after the adjournment of the legislature proposing such amendment or amendments, or at such special election to be held not less than six months after the adjournment of said legislature, at such time as said legislature may by law provide. If the same be ratified by a majority of the electors voting thereon such amendment or amendments shall become part of this constitution. If two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately: *Provided*, That no amendment shall apply to or affect the provisions of sections 1 and 3 of Article VII hereof, on elective franchise, and sections 8 and 10 of Article XII hereof, on education, unless it be proposed by vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

Mr. CAMERON. Mr. Chairman, I arise at this moment when Arizona is on the very eve of attaining statehood to say but a few things about her desires, her ambitions, and the long and difficult road she has traveled to enter the sisterhood of States.

I believe, and deeply appreciate on behalf of the citizens of Arizona, that the House is at this moment ready to concur in the resolution that passed the Senate yesterday, and that resolution has been so drafted that it will meet with the approval of the President.

Upon the passage of the resolution by Congress and the signing of the same by the President a period of great rejoicing for Arizona is at hand. It means, Mr. Chairman, that a fight of 30 years is very nearly at an end. It also means that the ban of being a voiceless subdivision of the United States is to be removed, and that the people of Arizona are to have a voice in the Government under which they live.

Mr. Chairman, these things have been difficult of attainment. A Territory in a most distant corner of a nation labors under great difficulties on account of having no Member of Congress with a vote who is vitally interested in its welfare. Congress is always deluged with a mass of business. Every Member of Congress is very busy with matters that deal directly with his constituents, and he has very little time to give to the details of other sections of the United States. It is unreasonable to expect any Member, either of the Senate or the House of Representatives, to go entirely outside of his own State and spend a great deal of time in working out the details of a community or State in which he does not live and has no material interest.

On account of this lack of friends in the body which controls the destiny of a Territory, it remains long in a condition of bondage before it receives the recognition it is entitled to. Arizona has long deserved to become a State, and has remained a Territory far longer than she should have remained. Arizona has waited for many years, like an orphan babe on a doorstep, for some kind-hearted legislator who would adopt her to himself and take her into the circle that sits about the governing board of these United States.

It is a difficult task to excite and induce so large a body as Congress to move in a matter in which it has no pressing interest.

A great deal was accomplished three years ago when Arizona aligned herself with the Republican Party and sent a Republican Delegate to Washington. The party of action at home, working with the party in control of the Government at Washington, made it easier for a Delegate who was determined to get results. Through the members of the Republican Party, both in Arizona and here in Washington, it became possible to set the legislative mill at work to draft and pass an enabling act authorizing the Territory to proceed along definite and rigid lines to the ultimate end of securing statehood.

Under the enabling act the Territory of Arizona was authorized to draft a constitution and submit the same to Congress and to the President for approval. Arizona was not to be admitted to the sisterhood of States without this approval. President Taft made a visit to Arizona, and in several speeches he delivered there outlined in a definite manner his views regarding the particular form of constitution which would meet with his approval.

In view of the fact that he had championed the passage of the enabling act, thereby proving himself a true friend of Arizona, had journeyed throughout the Territory and expressed his views as to what a constitution should and should not contain, it was reasonable to suppose that a constitution would be formulated embodying the suggestions and advice of one of the most learned jurists in our country to-day, our honored President, William Howard Taft.

However, adherents of the Democratic Party secured control of the constitutional convention, and partisan politics undoubtedly played its part in the framing of the constitution, which is to be regretted, inasmuch as members of every political creed and persons of all ages, sex, and condition must be governed by its provisions.

The convention drafted a constitution containing many doctrines that the President advised against, and left out many of the things that he favored. This constitution was sent on to Washington, and the friends of Arizona here were given the difficult task of getting Congress and the President to approve the same.

On account of my duty and interest in this matter and the long time which I had labored to obtain statehood for Arizona, I set about to secure the approval of the constitution which was submitted by the people of the Territory. I met a great many obstacles, but tried to the best of my ability to surmount them all. I received the impression at the very beginning of my efforts that the President was unalterably opposed to that clause in the Arizona constitution which dealt with the recall of judges. There were also several other provisions in our constitution against which the President had advised.

President Taft was himself a judge on the bench for many years. The people of the United States believe that he is very familiar with the difficulties that face the judiciary. The President must understand in minute detail the many embarrassments that the recall would force upon the judiciary. He is also firmly convinced that the recall as applied to the judiciary will result in great harm to our present form of government.

Being familiar with the President's attitude, I earnestly strove, in order to insure statehood for Arizona, to ascertain the particular procedure by which it could be secured. I was informed that it was possible to secure statehood provided the clause pertaining to the recall of the judges was eliminated in the constitution submitted. I was firmly convinced that the people of Arizona would agree to the elimination of this feature provided they could thereby secure admission. With this in mind I set about to secure the adoption of a resolution by Congress which would eliminate the recall of the judges, being satisfied that upon the passage of such a resolution it would meet the President's approval. This accounts for the filing of a minority report in the House Committee on Territories, which had the effect of eliminating the recall of the judges from the Arizona constitution. I, in conjunction with other friends, worked night and day for the passage of that minority report, for I was convinced that statehood could not be secured without the elimination of the recall clause. I was opposed, however, by the members of the Democratic Party who are in control of the Committee on Territories in the House. Those Members insisted upon the retention of the recall, and the Flood resolution was passed in the House and finally passed in the Senate.

I believe my Democratic friends were misguided to a certain extent by various citizens of Arizona who journeyed to Washington and proclaimed themselves as representing the majority opinion of the citizens of Arizona, and these emissaries were insistent upon the retention of the recall clause, even though it was obvious to most everyone that the retention of this clause would result in the President's vetoing the act admitting Arizona to statehood.

They seemed to forget that Arizona must secure the approval of the President, and hence it was highly important and expedient to meet his viewpoint, even though it was distasteful to do so.

However, the bill was finally sent to the President with the provision of the recall left intact. He realized it was unfortunate that Arizona should be kept out of the Union because of this clause. Had it merely meant the waving of personal consideration, the President would undoubtedly have signed the measure and allowed the Territory to become a State. But to establish the precedent that he as President of the United States should in any manner or form, directly or indirectly, seem to give his approval to the recall of judges, made it essential on account of his convictions on the subject to disapprove the resolution, owing to the provision pertaining to the recall of the judges being left intact in the constitution.

From what I had learned in my work to secure the approval of Arizona's constitution, I felt certain that the President would never give his approval to the recall of the judges. It seemed obvious to me and was well understood by unbiased friends of Arizona, except those certain people who were insisting upon the retention of the recall provision, even though it destroyed the chance for securing statehood. The real friends of statehood, those who had worked intelligently for it, were, to a certain extent, prepared for this emergency. The time for the passage of the Flood resolution by the Senate and the House before Congress would adjourn was, however, very limited—hardly a week remaining—and on account of the vast press of business which usually develops at the end of a session the outlook was gloomy to secure favorable consideration of a new measure in case the President vetoed the Flood resolution. But Arizona was particularly fortunate, and a new resolution was introduced, for which we have been able to secure friendly support in Congress, and I have no doubt but that the President will approve the resolution now before you. When this is done, it will show conclusively that the President was throughout the whole struggle the true and sincere friend of Arizona in his desires to admit the Territory to statehood. I am also gratified inasmuch that the part I have taken in the struggle to secure statehood for Arizona will have been successfully completed, and that the various steps I have taken from time to time will then be proven to have been the result of an unbiased, careful, and accurate analysis of all the influences, forces, and conditions which surrounded the statehood problem.

Mr. Chairman, during my address delivered here on May 20, of this year, I stated specifically that, in my opinion, the President would approve the minority resolution of the House Committee on the Territories, which provided for the admission of Arizona with the elimination of the judiciary recall; but, in spite of the warnings of my colleagues, Messrs. MANN and WILLIS, and myself, and in spite of the addresses delivered against the recall of judges by the President and members of his Cabinet, the majority or Flood resolution was adopted.

When I appeared before the Senate Committee on Territories at the time the Flood resolution was under consideration, and before the same was passed by the Senate and sent to the President, I made the following statements:

I favor the passage of the minority resolution, for the reason that, from my personal observations and from a great deal of study of the situation, I do not believe that we will be admitted into the Union under the Flood resolution; and for that reason I am appearing here to-day asking this committee if it will so amend the Flood resolution as to eliminate the recall of the judiciary.

Primarily I have no desire to amend the constitution that the people of Arizona have framed, but I say to you, Senators, that I have been in Washington for more than two years and that practically all my energies have been expended in this effort to get statehood. I therefore feel that I know as much as anyone of the situation that now confronts Arizona; and I say to you that it is my belief that unless this committee of the Senate amends the Flood resolution I do not think we will be admitted into the Union at this time.

If we can secure Arizona's admission into the Union by a slight amendment to the resolution now before you, and if we can not secure it unless it is amended, are you not in favor of the action suggested?

Simply as to that particular feature of the constitution—and the only reason I am asking this, as I have stated before, is because I believe it will let us into the Union, and under the other course I do not believe we will get in. I say this, not because of any personal feeling on my part. I am simply doing what I believe to be my duty, and that is the reason I am here before you this morning.

I am not asking this committee to be deterred. I am simply saying what I believe to be my duty to say as the representative of the people of Arizona. Then, if the committee does not acquiesce in what I have said, I shall feel that I have done my duty and it will then be up to Congress to say whether I am right or wrong. I am making this appeal to you, gentlemen, with no motive whatever except to help Arizona further toward statehood.

I am not asking this committee to formulate a constitution for Arizona, but there seems to be a stumbling block in one minor detail of that constitution, and I am appealing to you, gentlemen, to eliminate that stumbling block, so that there will be no question when the time comes that this resolution will be passed by Congress and signed by the President.

I am not applying to you for anything else. It is in the power of this committee to report this resolution back to the Senate in some form, and I believe the resolution that is reported to the Senate by this committee will be acquiesced in by the Senate of the United States. As I have said to you before, I will reiterate and say that if under the existing conditions there is the slightest doubt that this Flood resolution will be approved, or if there is the slightest danger that it will be disapproved, I do not see why you should not at this time so rectify and amend this resolution that it will relieve that doubt, so that the people of Arizona can come into their own. Now, you have bills, hundreds and thousands of them, that come before you in the different committees of the Senate, and it is very seldom that a bill finally passes in its original form unless it is a bill of minor consequence.

I think it is a very dangerous matter, gentlemen, to complicate the situation as it appears to be complicated in the Flood resolution at this most important time. I think, in all fairness to the people of Arizona, this minute detail should be amended so that there will be no question of admission into the Union at once. I do not know how I can possibly make this any plainer. I am talking to you, gentlemen, with all sincerity in the world. I came here as the representative of Arizona, and have worked hard and faithfully at all times. When I have come before you and made my statement in my humble way I have turned the matter over to you. This question is now in your hands, and I am appealing to you as good, big men, the biggest we have in the United States, to concede this one minor proposition which will insure our admission into the Union.

There seems to be a difference of opinion on the question at issue, and it is not of so vital importance that we should be kept out of the Union because of it. In future years this thing could be put into the constitution if the people of Arizona so wish.

The above statements have proven to be correct in all their details. The committees of both the Senate and the House have come to that way of looking at the matter and have agreed to a resolution that is practically what we insisted upon all the time. The Senate has passed that resolution and the House is now ready to pass it. It will go to the President, and he will undoubtedly sign it immediately. Statehood is to be a reality at last, despite the many stumbling blocks that have been thrown in its way. So at this time I want to say to this Committee of the Whole of the House of Representatives that I am deeply thankful for the final consummation of our desires. To my Republican friends of this House, who have always worked with me, I owe a debt of gratitude. To my Democratic friends, who have at times worked with me also, I want to say that I am equally thankful for this their final support.

Mr. Chairman, upon the admission of Arizona into the Union it will be exceeded in area by only four States, namely, Texas, California, Montana, and New Mexico.

Arizona embraces an area of very nearly 114,000 square miles, and has a population slightly in excess of 200,000 people. The number of persons per square mile equals 1.8. Its density of population per square mile has been exceeded by but a very small number of the many Territories which have been admitted into the Union from time to time. The density of population per square mile for continental United States equals 31 persons, according to the census of 1910. There are 21 States with a density of population per square mile less than the average for the United States. Only two of these States are to be found east of the Mississippi River, viz, Maine and Florida, each with a density of 25 and 14, respectively. The remaining 19 are located west of the Mississippi River, and I might add that the only States west of the Mississippi River which have a density to exceed, or very nearly equal that of, the mean for the United States are Iowa, Missouri, Arkansas, and Louisiana. All the other States west of the Mississippi have a density of population varying from 0.7 persons per square mile for Nevada to 25.7 for Minnesota.

A study of the resources of the West will show conclusively the possibilities for the relief of the overcrowded condition of certain portions of the eastern section of our country. However, my time is limited, and I must devote myself to a discussion of the resources embraced within the Territory of Arizona.

It is my belief that Arizona will take rank within a very few years as being one of the most important States in the Union. She has matchless mineral and agricultural resources. The copper output from her mines exceeds that produced by any other State in the Union. She is a large producer of gold and silver. She has billions of feet of the finest standing pine in the world. She has large areas of some of the most rich and profitable, developed, and undeveloped agricultural land in the world. According to statements by the Geological Survey, she has over 14,000,000,000 tons of coal. I am of the opinion that this will at least be doubled upon the completion of a more extended examination.

Immediately to the south of Arizona and adjacent thereto lies a population of 8,000,000 people along the western border of Mexico to which the industrial enterprises of Arizona in the future will dispose of the products which will be manufactured from the mineral wealth known to exist within her borders. We shall also have, upon the completion of the Panama Canal, most excellent facilities for delivering to the eastern seaboard of the United States the semitropical products from our agricultural lands, as well as the copper and other mineral products from the vast storehouse which nature has so bounteously provided within the confines of Arizona.

The agricultural lands embraced within the Salt River, the Gila River, and the Colorado River irrigation areas are not excelled by any equivalent areas in the world. I believe that each acre of these areas will support at least two people when the same has reached its maximum point of development. I expect to live to see the day when the agricultural area of Arizona will support a population of at least 2,000,000 people. I make the prediction, Mr. Chairman, that the development of the mineral resources of Arizona, and the manufacturing industries which are incident thereto, will support a population of at least a million and a half of people. I also make the prediction, Mr. Chairman, that the development of the timber, cattle, and sheep industries of Arizona will support a population of at least 500,000 persons.

Mr. Chairman, in summing up the foregoing, I make the prediction that within a few years Arizona will have a population of at least 4,000,000 people within her borders. I realize that the jump from 200,000 people to 4,000,000 means an increase of 20 times. However, to one familiar with the wonderful resources of Arizona this prophecy is not an unreasonable one, and will undoubtedly be fulfilled in the years to come. Many other States in this Union possessed of natural resources far less than those known to exist in Arizona have been quickly populated, and I see no reason why Arizona, with her resources, in conjunction with her wonderful, exhilarating, and rejuvenating climate, should not support a population within her borders at least equal to the mean density population of the United States.

As long as a subdivision of the United States remains under a Territorial form of government it appears that investors are reluctant to assist financially in the development of its natural resources. I am firmly convinced that when my fellow citizens of the United States become familiar with the wonderful natural resources existent in Arizona it will only take a very few years to secure the influx of hundreds of thousands of people.

Mr. Chairman, there is going to be great rejoicing in Arizona because of the favorable action this House is about to take. To give vent to their joy many of my friends from the surrounding hills and valleys will ride into my home town of Flagstaff. They will come from the long reaches beyond the tall grass over on the Little Colorado River; from beyond the fern thickets about Little Springs at the foot of the beautiful and majestic San Francisco Mountains, 14,000 feet high; from beyond Mormon Lake, in the midst of the great Mogollon Forest. In the larger cities of Bisbee, Globe, Morenci, Clifton, Jerome, and Miami, where the great, brawny miner goes underground and brings forth the copper that makes possible your twentieth-century living, there will be still more enthusiasm. These men are engaged in the development of the richest copper areas in the world. Throughout the irrigated valleys of the Territory there are farmers who every year produce six or seven crops of alfalfa from the lands they are tilling, and the income they derive would make the farmers of the East stand open-eyed in astonishment and amazement; they also will welcome the news of statehood as the realization of a long-harbored ambition.

Back in the hills are scattered the prospectors and miners who are exploring and developing the mineral areas for which Arizona has long been famous, and upon receipt of this news, although it will be days before the same reaches many of them, a great rejoicing will fill their hearts because they know that the world at large will more quickly learn of the unlimited mineral wealth of Arizona after she becomes a State, and when this fact becomes known the miner and prospector will be able to more readily interest capital, which is the energizing force in the development of the mining claims they own. And the people in the cities and towns throughout Arizona, of every age and temperament, will give vent to their joy in every imaginable way.

It may surprise you to know that in a score of towns in Arizona the publishers of papers are even now making up their extras to print the result of the vote of this House. Likewise will extras be published when the President signs the bill. For Arizona is a most remarkable State and is progressive and enterprising to the minutest degree, and the quality and progressiveness of the press of Arizona is not exceeded by that of any other State in this country.

I have stated to this House before, Mr. Chairman, that the people of Arizona embrace the highest grade of citizenship in the Nation, and are equal to any of the citizens of these United States. Our elimination from participation in national affairs has been a grievous discouragement to us. Now that we are about to stand on an equal basis with the other States in the Union we pledge you here and now that we will send to both Houses of this Congress such men as will reflect great credit upon Arizona and upon the Nation, and they will always be found in the forefront of the battle lines fighting for everything that is good and for the best interests of our country. I am firmly convinced that all of you who are this day participating, and by your votes making possible the admission of Arizona, will, in the years to come, feel many a pleasurable thrill when you remember the part you played in creating and adding this new State to the Union.

Mr. ANDERSON of Minnesota. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I sometimes think that it is a good thing that the American people do not know all about the Congress of the United States and some of the things that have occurred here this afternoon have not tended to make me change my opinion. I sometimes think that if they did know all about it that their protest against the theory so often advanced for legislation, that a few people know more than all the rest, would be more often heard than it is. The situation that has been presented here this afternoon has in it all the elements of a farce and a tragedy with a mental high tight-wire acrobatic side show thrown in for good measure. A few days ago, by an overwhelming majority, both Houses of Congress voted to give to the people of Arizona, not the right to place in their constitution the recall of judges, for that proposition was not involved in that resolution, but to give to the people of that Territory the right to vote like free men. Now, we propose to take away that right, and I suppose we will justify it upon some theory of mental gymnastics. So far as I am concerned the crags and peaks and desert wastes of Arizona will fade in the dim and far-reaches of eternity before I will vote to place this insult upon them. You may crucify the people of Arizona upon a cross of cowardice, but I thank God you can not pluck from out their breasts the spirit of progress that has placed in the constitution which they adopted the institutions of a popular government. I do not doubt the wisdom or the loyalty of the American Congress, but I sometimes doubt its courage. So far as I am concerned, I would as soon climb to Jehovah's throne and pluck from God's diadem of jewels his brightest star as I would vote for this resolution taking away as it does the right of the people of Arizona to establish a constitution according to the principles for which they stand and in which they believe. [Applause.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

Mr. WARBURTON. Mr. Chairman, I move to strike out the last three words. I am going to detain this House but a moment. If there is one thing that belongs to a free people and to a Territory that has the population, the culture, and the intelligence to be a State, it is the right to frame their own constitution. [Applause.] No man in this House can vote to deprive the people of Arizona of the right to fix for themselves their officers and the tenure of their office without depriving them of their natural-born rights. It belongs to them to say what shall be the tenure of judges of their State, and not to us. As a Congressman here, I would like to have some one point out to me what right I have to tell the people of Arizona how they shall elect their judges or how they shall remove them from office. In my State we have determined that for ourselves, and we would not yield it to any State in this Union or to the National Government. [Applause.] If we have the right to tell them that they can not recall their judges, by the same right and the same power we have the right to tell them they must elect their judges for life. By the same right we have the power to tell the people of Arizona that they can not remove their judges for any cause. [Applause.] If we have the right to tell the people of Arizona what they shall do in reference to their judges, we have the right to write their whole constitution. It is not a question of whether the recall is right or wrong; it is a question of whether in this Congress we are going to take from the people of Arizona the rights that belong to them—whether we are going to usurp the rights that belong to the electorate of Arizona. [Applause.]

Mr. HARDY. Mr. Chairman, I wish to say that I believe as strongly as any man in this House in the absolute right of the people of Arizona to put in their constitution anything that they see proper that leaves them a republican form of government and one not in conflict with the Federal Constitution. I believe that the exercise of the power of the President to veto the bill we passed, simply because he has that power, to take away from the people of Arizona or to make them surrender that right or stay out of the Union, is a tyrannical exercise of power. [Applause.] For one I was opposed to any measure that might surrender the rights of the people to the tyranny of one in temporary power. But practical statesmanship suggested to the representatives of Arizona themselves, as I am informed, that they did not care to lose the substance while they pursued a shadow. They said: "Let the right of recall as to judges be knocked out, and in three months after we are admitted as a State we will put it back." [Applause.] Now, as practical men, as Members of the House, should we pay attention to the request of those people who want the blessings of statehood, and shall we submit for a moment and be clubbed by the President, or do as the people of Arizona prefer and ask, knowing full well that they can do themselves justice when they are admitted to statehood? That is the proposition.

It has amused me to hear the gentleman from Illinois [Mr. CANNON] to-day talking about a republican form of government and asserting that the constitution presented by Arizona is not republican because it is not a representative form of government. There never has been a State in this Union that was

exclusively representative, and yet most of the States have been mainly representative in their government. And there is no authority in the history of the past, nor in example at the present time, that makes a republican form of government necessarily a representative form of government solely. Nearly all Republics and all the States of the Union are in their government partly representative and partly direct. This thing of stickling for mere form reminds me of a time centuries ago when a certain class known as Pharisees were said by the Master to follow the form and symbol but forget the substance. And the very gentleman who raises this question to-day of the form of government presented by the Arizona constitution has countenanced all his life the departure from the substance while adhering to the forms of a portion of the Constitution, in that he has written from time to time tariff laws for protection; and the President himself has countenanced the same departure in his veto message recently, when he gave as the ground of his veto the fear that the bill vetoed might not be sufficiently protective. Every protectionist knows that a tariff for protection is unconstitutional. Every judge knows that, if he read the purpose of the law in its caption, namely, that "this bill is for the protection of certain industries," the Supreme Court would hold it unconstitutional. Nearly every tariff law on our statute books is a fraud.

They make it in form constitutional, and say it is for the purpose of raising revenues, while it is in reality for another purpose. The Constitution authorizes taxation for revenue, but not for protection, so these sticklers for form, while they pass laws for protection, write in their caption that they are for revenue.

Talk to me about upholding the Constitution? They break it in spirit while they observe it in form, and the President only a few days ago vetoed a bill passed by this House—a tax bill—not because it would not raise revenue, the only constitutional purpose of a tax bill, but because it might not afford protection to certain industries—a purpose that would render it unconstitutional if it was admitted before the courts.

The President's vetoes are wonderful. He approved the Payne bill, which he knew to be excessive. He vetoed the Underwood bill because he did not know whether it was too protective or not sufficiently protective. He vetoed the Underwood bill because he must obey the Republican platform that declared for protection; and he vetoed this statehood bill in violation of the Republican platform, which demanded that Arizona and New Mexico be admitted into the Union as States. His own party and the Democrats joined in passing an enabling act, and these States or Territories did all they were required by the enabling act to do. Yet he vetoes a bill for their admission, and he does it because Arizona has a clause in her constitution which any other State in the Union may put in its constitution to-morrow, which some States have put in their constitutions, and which Arizona may put in her constitution as soon as she becomes a State. But I am thankful that the President did not adopt the quibbling and senseless pretense that her constitution was not republican in form; for to us the spirit of a republican government is that it shall be a government of the people, by the people, and for the people, and any form that provides such a government in fact is republican in form, and such was the constitution of Arizona, and such it will be. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that debate on that paragraph and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] moves that debate on this paragraph and all amendments thereto be closed. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 2. Whenever, during the first 25 years after the adoption of this constitution, the legislature, by a three-fourths vote of the members elected to each house, or, after the expiration of said period of 25 years, by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting on such question at said election in the State shall vote in favor of calling a convention the legislature shall, at the next session, provide by law for calling the same. Such convention shall consist of at least as many delegates as there are members of the house of representatives. The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] moves to strike out the last word.

Mr. AUSTIN. Mr. Chairman, I can not listen with patience and without a protest to an unjust arraignment of the President of the United States under a charge of tyranny such as that which was just made by the gentleman from Texas [Mr. HARDY]. The responsibility of the Chief Executive, under the Constitution and under his oath, is just as binding as our oath and obligation under the same instrument, and ill does it become any Member of this House to use language attributing to President Taft "tyranny" in the performance of what he conceives to be his duty under his oath of office. I resent it.

If we ever had a Chief Executive who had a high regard and a deep appreciation for his oath of office and his responsibility under the Constitution and under his duty in administering his high and responsible office for the best interests of the Republic, we have that Chief Executive in the person of William Howard Taft, the President of the United States. [Applause on the Republican side.]

If the President of the United States—and no one can deny it—in expressing his opposition in his veto to the measure passed here recently voiced his honest sentiments—and he certainly did—it was his solemn duty to object to the admission of Arizona under those conditions. If he entertained those sentiments, we would not respect him as our President if he did not stand by them as he did in the veto message which has been transmitted to Congress. If the gentlemen on the other side believe in and honestly stand for the principle of the recall of the judiciary, we challenge them to make an issue of it next year in the national contest. [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. AUSTIN. Certainly.

Mr. HARDY. Does the gentleman realize that this is a question as to whether we will submit it to the people of Arizona to decide for themselves what they want to do?

Mr. AUSTIN. I say, if the President, under his oath and under the Constitution, thinks he ought to veto or to approve a bill, he owes it to his conscience to do so. He has a conscience just as much as has the Member from Texas, and he owes a responsibility to all the people of the United States just as the gentleman from Texas does to the people who elected him as their Representative in Congress.

Mr. HARDY. Does not that also depend on whether the President believes the people of Arizona have the right to speak for themselves?

Mr. AUSTIN. The people of the United States have a voice in determining this question, just as the gentleman from Texas has and just as I have in voting for the admission of the Territory as a State.

Mr. HARDY. The gentleman does not answer my question.

Mr. AUSTIN. And if the President entertained these views, that this proposition for the recall of the judiciary is wrong, he performed a patriotic duty in vetoing that bill or resolution. [Applause on the Republican side.]

Mr. HARDY. Will the gentleman answer my question?

Mr. AUSTIN. If Arizona has the right to determine all these questions, she can write polygamy in her constitution, and we would have no right to prevent her from entering the Union of States.

Mr. HARDY. Does the gentleman yield?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the debate on the pending paragraph be closed.

The CHAIRMAN. The gentleman from Virginia moves that debate on the pending paragraph be closed. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

ARTICLE VIII.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona, except members of the judiciary, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

Mr. RAKER. Mr. Chairman, is the bill amendable at this point?

The CHAIRMAN. It is.

Mr. RAKER. I send up the following amendment.

Mr. HAY. Mr. Chairman, I make the point of order that the end of the section has not been reached.

The CHAIRMAN. The end of the paragraph has been reached.

Mr. LAWRENCE. The bill is being read by sections.

The CHAIRMAN. It is the impression of the Chair that each paragraph is subject to amendment, and as the Chair understands it, this completes the reading of a paragraph, but not the end of a section.

Mr. HAY. This is not an appropriation bill, and the same rule does not apply to a bill of this character that applies to an appropriation bill.

The CHAIRMAN. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Amend by striking out of line 13 on page 10 the words "except members of the judiciary"; also strike out the comma after the word "Arizona" on the same line and page.

Mr. RAKER. Mr. Chairman, the President in his message used the following language:

Those would profit by the recall who have the best opportunity of rousing the majority of the people to action on a sudden impulse. Are they likely to be the wisest or the best people in a community? Do they not include those who have money enough to employ the firebrands and slanderers in a community and the stirrers-up of social hate? Would not self-respecting men well hesitate to accept judicial office with such a sword of Damocles hanging over them? What kind of judgments might those on the unpopular side expect from courts whose judges must make their decisions under such legalized terrorism? The character of the judges would deteriorate to that of trimmers and timeservers, and independent judicial action would be a thing of the past. As the possibilities of such a system pass in review, is it too much to characterize it as one which will destroy the judiciary, its standing, and its usefulness?

Mr. Chairman, from that language I take it that the President of the United States has branded 120 members of the Legislature of California as firebrands, as slanderers, and as stirrers-up of public hate, when that legislature unanimously presented such an amendment to the people of that State, which is now before them and is going to carry by a vote of five to one.

Is it possible that all the wisdom, all the judgment, and all the accumulated knowledge of ages has been centered in one man, when at the present time not one man upon this floor has dared or attempted to state one occasion when the people have ever exercised unjustly their right to the recall of the judicary? The Legislature of Oregon and the people have passed a law of this kind, which has been on the statute books of the State for years. Has any injustice been done? Are those people firebrands and slanderers? Are they the kind of people who live there? Has it come to pass that when men of independence and intelligence dare to stand up for what they think is right in the government of their own people, and pass such laws as they believe to be right, under the constitution of that State, they are to be called firebrands, stirrers-up, and slanderers? In behalf of the people of California I want to say to you, sir, that we have as fine a citizenship, in intelligence and in manhood, as exists in the United States, and when that indictment has been made by the President of the United States he knows not whereof he speaks. [Applause on the Democratic side.]

Mr. Chairman, I call for a vote on the amendment.

[Mr. FLOOD of Virginia addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. All discussion on this amendment is closed, under the rule.

Mr. SIMS. I move to strike out the last word of this amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. SIMS. Mr. Chairman, this bill passed the House by a vote of four to one, as I understand, and the Senate by a vote of three to one, and yet we undertook to overrule the President's veto on tariff measures, when he was waiting simply for the report of the Tariff Board, and admitted that he was not informed sufficiently to act intelligently on a tariff bill. We had a majority of 98 on one vote and 99 on the other, and we had no such majority in passing those bills in the House as we had in passing this resolution. We sit here now and surrender without even an opportunity to let the country know how the House does really stand on passing this resolution over the President's veto.

I appreciate the motive of the gentleman from Virginia in trying to bring in these long-suffering people. I can see how they would promise almost anything and favor almost anything, just like men during the war down our way who took the oath of allegiance with a pistol to their heads. But do we want to admit them upon such a price and in like conduct as a free State into this Union? If we fail to pass this bill over the veto of the President after a vote, then the gentleman would be justified. The gentleman detailed here—and I have not the slightest question to make as to his honesty and true statement about it—that the President gave his committee to understand that he would sign the bill they pass, and the resolution was framed with that in view.

Mr. FLOOD of Virginia. Oh, Mr. Chairman, I never said——

Mr. SIMS. If I misunderstood the gentleman, I want him to correct me.

Mr. FLOOD of Virginia. I never said that the President said that he would sign the bill.

Mr. SIMS. Oh, no; but that he did not notify you that he would not sign it.

Mr. FLOOD of Virginia. Yes.

Mr. SIMS. Well, that led you to believe—and he must have known it would lead the committee to believe when he did not tell them that he could not approve such a resolution—when he was consulted with the view of ascertaining that very fact, that he would not veto the resolution. Does the gentleman know that the President will not change his mind again? You had his word before, and you can not have anything else now. Let us act like men who have the courage of their convictions, and at least take a vote to pass the resolution over the veto, and then, if we fail, accept the best terms of surrender that we can get. I can not vote for this bill, and I believe that I am a Democrat.

Mr. HOUSTON. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment to strike out the last word will be withdrawn.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to have the last amendment reported again.

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment just reported.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 3, noes 163.

So the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that everyone who has spoken may extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all gentlemen who have spoken——

Mr. MANN. Within what time?

Mr. FLOOD of Virginia. Within five days, Mr. Chairman.

The CHAIRMAN. That all gentlemen who have spoken upon this bill may have five days within which to extend their remarks in the RECORD.

Mr. MANN. Upon the subject of the bill?

The CHAIRMAN. Upon the subject of the bill. Is there objection to the request of the gentleman that all gentlemen who have spoken on the bill may have five calendar days in which to extend their remarks in the RECORD?

Mr. JAMES. On this bill?

The CHAIRMAN. On this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that commitee had had under consideration Senate joint resolution No. 57, and had directed him to report the same to the House with the recommendation that the resolution do pass.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to save time, and ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. The Chair would like to inquire, for the sake of information for the House, if the gentleman contemplates a night session to-night?

Mr. UNDERWOOD. I do; I intended to ask that afterwards.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Alabama what opportunity there will be for taking up for consideration bills that are now on the calendar?

Mr. UNDERWOOD. I intended to try to arrange a night session to-night. If we start at 11 o'clock Monday morning, on Monday afternoon there will probably be another opportunity, and I want to get the bill through as soon as I can.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection; and when the House adjourns to-day it will adjourn to meet at 11 o'clock a. m., Monday.

Mr. UNDERWOOD. Mr. Speaker, I now ask unanimous consent that the House hold a session to-night, from 8 until 11 o'clock, for the consideration of bills on the calendar, the bills on the Union Calendar to be considered in the House as in the Committee of the Whole.

Mr. SIMS. Mr. Speaker, I object to the latter part of the request.

Mr. UNDERWOOD. I withdraw that part of the request, then. I will move to take a recess later on, Mr. Speaker, but I want to have it understood that the session shall be only for bills on the calendar, on the call of committees.

Mr. MANN. That is, of course, the proper bills on the calendar. Of course, the gentleman does not mean that the cotton bill will be taken up?

Mr. UNDERWOOD. No; not the cotton bill, but I meant local bills that are on the calendar.

Mr. MANN. With the understanding that the cotton bill will not be taken up?

Mr. UNDERWOOD. Certainly; the understanding is that the cotton bill will not be taken up.

Mr. CANNON. Can it not be reached on the call of committees?

Mr. UNDERWOOD. Of course, it might be reached after an hour.

The SPEAKER. The gentleman from Alabama asks unanimous consent that at the night session only bills on the calendar be considered on the call of committees.

Mr. SIMS. Reserving the right to object, I will say if the gentleman will exclude the Union Calendar I will have no objection. I want to beat your Weymouth bill, and I will not have time to do it.

Mr. UNDERWOOD. I can not discriminate against one set of bills.

Mr. SIMS. I will object to the Union Calendar.

Mr. FITZGERALD. That bill will not have a chance.

Mr. UNDERWOOD. I will say to the gentleman from Tennessee that in all probability there will not be a quorum of the House here to-night and that the bills that go through will probably go through by unanimous consent.

Mr. SIMS. There is only one bill there that ought to be thoroughly discussed.

Mr. UNDERWOOD. I can not play favorites with them.

Mr. SIMS. I know you can not.

Mr. MANN. What business do you propose to have now?

Mr. UNDERWOOD. There are one or two reports that have to come in here. Mr. Speaker, I will withdraw the request for the present, and make the motion in a few minutes.

AUGUST SALARY OF EMPLOYEES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 158) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1911, on the day of adjournment of the present session.

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of August, 1911, on the day of adjournment of the present session; and the Clerk of the House of Representatives is authorized to pay on the said day to Members and Delegates their allowance for clerk hire for the said month of August.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the House joint resolution.

The resolution was engrossed and read a third time, and having been read a third time, was passed.

SERVICE PENSIONS.

Mr. SHERWOOD, from the Committee on Invalid Pensions, reported the bill (H. R. 1) granting service pensions to certain defined veterans of the Civil War, with amendments, which was read a first and second time, and, with the accompanying report (No. 160), was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

ASSIGNMENT OF ROOMS.

Mr. PALMER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 293.

Resolved, That the following assignments of rooms in the Capitol and House Office Building be, and the same are hereby, made:

First. To the Clerk of the House, for use as a stationery room in lieu of space in the Capitol Building now used for that purpose, the room in the northeast corner, first floor, of the House Office Building, now being temporarily used by the Special Committee on the Investigation of the United States Steel Corporation.

Second. To the Special Committee on the Investigation of the United States Steel Corporation, for its use until its report shall be made to the House, the room in the House Office Building, No. 292, heretofore assigned to the Committee on Enrolled Bills.

Third. To the Committee on Enrolled Bills, the room on the ground floor, No. 94, in the Capitol Building, heretofore assigned to the Committee on Indian Affairs.

The SPEAKER. Is there objection?

Mr. MANN. I did not catch the last assignment there.

Mr. PALMER. The whole proposition is to provide a better room for the Clerk's stationery room, which is now downstairs, in the Capitol.

Mr. MANN. I approve of it.

Mr. PALMER. In the House Office Building there is a large room at the northeast corner, which is now temporarily occupied by Mr. STANLEY's special committee for the investigation of the Steel Trust. They are to move out and go to another room temporarily. They are to have room 292, heretofore assigned to the Committee on Enrolled Bills. The Committee on Enrolled Bills is given a room in the basement of the Capitol, room No. 94, which for some years was used by the Committee on Indian Affairs, but it is not now used at all.

Mr. MANN. It is not the present room of the Committee on Indian Affairs?

Mr. PALMER. No.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I understand the Stanley investigating committee is occupying a room at the northeast corner of the House Office Building. Which corner is that?

Mr. PALMER. That corner down by the Library of Congress.

Mr. FITZGERALD. Is that one of the large rooms reserved for hearings of special committees?

Mr. PALMER. No. That is a room on the first floor that has been used since the House Office Building was erected by the electrician, and the Stanley investigating committee desired to use it for the purpose of distributing documents from it.

Mr. STEPHENS of Texas. Which room of the Committee on Indian Affairs does the gentleman desire to change?

Mr. PALMER. A room, No. 94, as set down in the Congressional Directory, located in the basement of the Capitol, and formerly used by the Committee on Indian Affairs, not as a committee room but as a private office. It was formerly used by the Vice President [Mr. SHERMAN] when he was chairman of the Committee on Indian Affairs of the House.

Mr. STEPHENS of Texas. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. PALMER, a motion to reconsider the vote by which the resolution was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GREGG of Pennsylvania, by unanimous consent, was granted leave of absence for five days, on account of important business.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House now take a recess until 8 o'clock to-night.

The motion was agreed to.

Accordingly (at 5 o'clock and 55 minutes p. m.) the House stood in recess until 8 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

ADDITIONAL LAND FOR COLORADO UNDER THE CAREY ACT.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent to consider in the House, as in Committee of the Whole, Senate joint resolution 34, to provide for additional land for Colorado, under the provisions of the Carey Act.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider in the House, as in Committee of the Whole House, Senate joint resolution 34, which the Clerk will report.

The Clerk read the resolution, as follows:

Senate joint resolution (S. J. Res. 34) providing for additional lands for Colorado under the provisions of the Carey Act.

Resolved, etc., That an additional 1,000,000 acres of arid lands within the State of Colorado be made available and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto, and that the State of Colorado be allowed, under the provisions of said acts, said additional area, or so much thereof as may be necessary for the purposes and under the provisions of said acts.

The SPEAKER. Is there objection to the consideration of the Senate joint resolution in the House as in Committee of the Whole?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

TAYLOR SYSTEM OF SHOP MANAGEMENT.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House resolution 90, asking investigation of the Taylor system of shop management. And pending that motion, I ask unanimous consent that general debate be limited to 30 minutes, one half of the time to be under the charge of gentlemen on the other side of the House and one half under my charge.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider House resolution No. 90, and pending that he asks unanimous consent that general debate on this resolution be closed in 30 miutes, one-half to be controlled by himself and one-half by somebody against it, if there is anybody against it. Is there objection?

Mr. MANN. I object.

Mr. KENDALL. Mr. Speaker, I want to ask the gentleman from Illinois not to make a point of order of no quorum against this. The subject of this resolution is one of immense importance to many good people. The House is just as well equipped to consider it now, even if we have a few Members, as at any time.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House resolution No. 90.

The question was taken; and on a division (demanded by Mr. MANN) there were 34 ayes and 10 noes.

Mr. MANN. I make the point of order that no quorum is present.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to withdraw my motion.

The SPEAKER. The gentleman from Illinois makes the point of no quorum, and the gentleman from Pennsylvania asks unanimous consent to withdraw his motion. Is there objection? The Chair hears none.

Mr. MANN. Mr. Speaker, I withdraw the demand for a quorum.

NEW BUILDING FOR BUREAU OF ENGRAVING AND PRINTING.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill H. R. 13367.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider in the House as in Committee of the Whole the bill H. R. 13367.

Mr. CLAYTON. Reserving the right to object, I would like to know what it is.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13367) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, by striking out certain words from the clause authorizing a new building for the Bureau of Engraving and Printing.

Be it enacted, etc., That so much of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, as relates to the acquisition of a site and the construction of a building for the Bureau of Engraving and Printing, in Washington, D. C., is hereby amended to read as follows:

"To enable the Secretary of the Treasury to acquire by purchase or condemnation all of the land in square No. 231 not now owned by the United States, together with all of squares Nos. 232 and 233 in the city of Washington, D. C., and toward the construction, for the use of the Bureau of Engraving and Printing, of a fireproof building approximately 300 by 500 feet, basement, four stories, and attic, in the immediate vicinity of and adjoining the present building, $250,000, and the Secretary of the Treasury is authorized to enter into a contract or contracts for such building at a cost not to exceed $2,150,000, including the cost of acquiring as a site therefor the land herein described: *Provided*, That the Secretary of the Treasury is authorized to procede at once and, pending the acquisition of said lands, to procure the necessary plans and specifications for the building herein authorized: *Provided further*, That if, in the judgment of the Secretary of the Treasury, the land herein described can not be acquired by purchase or condemnation at a fair and reasonable price, he is authorized to construct the said building for use of the Bureau of Engraving and Printing on land now owned by the United States west of the site of the present building of said bureau, and for that purpose the sums herein appropriated and authorized shall be available."

Mr. CLAYTON. I would like to know if there is any urgent reason at this time for the passage of this bill, taking the money out of the Treasury. I would like to know if it can not wait until next session. I have no information on the subject, and I ask the gentleman from Texas to give us the information why this should pass now.

Mr. SHEPPARD. I will try and explain to the gentleman. The present buildings of the Bureau of Engraving and Printing became inadequate for the purpose to which they were devoted several years ago. Secretary of the Treasury Shaw, in his annual report for 1906, directed the attention of Congress to the need of a new structure, and in a letter transmitting to the Speaker of the House of Representatives a report of Thomas J. Sullivan, at that time Director of the Bureau of Engraving and Printing, commented on the structure as follows:

The present facilities are entirely inadequate. I doubt if a worse sweatshop exists on the earth than the factory in which the Government manufactures its money, its bonds, its internal-revenue and post-office stamps. The condition of the employees, especially in summer, is wellnigh unbearable, and every consideration pleads for improvement.

Mr. CLAYTON. Mr. Speaker, will the gentleman tell me the date of that report?

Mr. SHEPPARD. That was in 1906.

Mr. CLAYTON. The conditions have continued through all these intervening years. Is the condition now like that described four years ago? Does that same condition obtain now?

Mr. SHEPPARD. It has become more intolerable, and I want to go ahead and give the gentleman other data.

Mr. CLAYTON. With all due deference to the gentleman, I do not desire to interrupt the manner of his explanation, but I do not care what Secretary Shaw said some four years ago. I ask the gentleman to state now, in as brief form as he can, whether or not it is urgent that this appropriation be made at this time, and whether in his opinion it can not wait until next winter.

Mr. SHEPPARD. I will state to the gentleman that since the beginning of the present session a subcommittee of the Committee on Public Buildings and Grounds has made a personal inspection of the buildings of this bureau in the course of a general investigation of all Federal buildings recently instituted by the committee. The subcommittee found the conditions so strongly condemned in 1906, 1907, and 1908 by competent authorities, to have grown more intolerable with the years. In 1907 there were about 3,700 employees in the bureau; in the present year there are about 4,000. While an outbuilding has been added since 1907 for the stamp department——

Mr. CLAYTON. May I interrupt the gentleman? Several gentlemen around me who are perfectly familiar with these facts have told me, in a very short way, of the necessity for making this appropriation at this time. Therefore I will save my distinguished friend, the gentleman from Texas, the further necessity of reading from the extended document which, I suppose, would lead to the same conclusion, namely, that this is an urgent demand, and the money ought to be appropriated now. Therefore I make no objection to the consideration of the measure.

Mr. SISSON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] objects.

Mr. CLARK of Florida. Objects to what?

Mr. SISSON. To unanimous consent for the present consideration of this bill.

Mr. SHEPPARD. A point of order——

Mr. CLARK of Florida. I did not understand that the gentleman from Texas had asked unanimous consent for anything.

The SPEAKER. The gentleman from Texas asked unanimous consent to consider this bill in the House as in Committee of the Whole, and to that unanimous consent the gentleman from Mississippi [Mr. SISSON] objects.

Mr. SHEPPARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the consideration of this bill. It is our last chance this session.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 13367.

Mr. SISSON. Mr. Speaker, I make the point of no quorum.

Mr. CANNON. Will the gentleman from Mississippi——

Mr. CLARK of Florida. Mr. Speaker, I move a call of the House.

Mr. CANNON. Will the gentleman yield to me for a moment?

The SPEAKER. The gentleman from Illinois desires the attention of the gentleman from Mississippi.

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman from Mississippi to withhold his point for one moment. He can attain his object later if he then desires to do so.

Mr. SISSON. For the present, Mr. Speaker, I will withdraw the point of no quorum.

Mr. CLARK of Florida. I withdraw my motion for a call of the House.

The question being taken, the motion of Mr. SHEPPARD was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13367) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, by striking out certain words from the clause authorizing a new building for the Bureau of Engraving and Printing, with Mr. SIMS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill in committee, as it has just been read in the House.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. MACON. Mr. Chairman, I was not in the House when the bill was read. For that reason I shall have to object.

The Clerk resumed and completed the reading of the bill.

Mr. SHEPPARD. Mr. Chairman, I want to say for the information of the gentleman from Arkansas [Mr. MACON] and other gentlemen here that I propose to submit the following amendment as a substitute for this bill, and I will ask now that the Clerk read for the information of the House.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the limit of cost of the fireproof building, including the cost of acquiring a site therefor and authority to contract for the same, authorized in the sundry civil appropriation act, approved May 27, 1908, for the Bureau of Engraving and Printing in the city of Washington, D. C., is hereby increased in the sum of $150,000; and said building shall be constructed with a facing of limestone: *Provided*, That the interior courts of said building may be open at one end."

Mr. SHEPPARD. Mr. Chairman, the appropriation for this new building was made on May 27, 1908, and the only effect of this amendment is to extend the limit of cost $175,000 in order that a suitable factory building with a limestone facing may be constructed on the site already purchased for this new building.

Mr. CLAYTON. Mr. Speaker, I am informed that it limits the cost to $150,000 instead of $175,000.

Mr. SHEPPARD. Whatever the bill says. I have not the amendment before me.

Mr. CLAYTON. It is an increase of $150,000 instead of $175,000, as I am told.

Mr. SHEPPARD. I accept the correction.

Mr. CLARK of Florida. That is correct.

Mr. SHEPPARD. Unless this extension is made of the limit of cost, further delay will occur in the construction of this building. In this building the Government makes all of its paper money, its revenue stamps, and so forth, and the building is not fireproof. The loss which would occur to this Government through fire, both in property and life, in the building could not be measured. For that reason a real emergency confronts Congress, and I trust that this measure will be passed.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman a question. Have the plans for this building not been made, although it was authorized five or six years ago?

Mr. SHEPPARD. A site was acquired and plans were drawn for a suitable building, but bids could not be obtained within the limit of cost for a suitable building.

Mr. JOHNSON of South Carolina. Plans have been made?

Mr. SHEPPARD. Yes.

Mr. JOHNSON of South Carolina. And they can not get anybody to build the structure for the amount named?

Mr. SHEPPARD. That is it, exactly.

Mr. NORRIS. Mr. Chairman, I would ask the gentleman a question: Will it be necessary to buy any additional ground for the site?

Mr. SHEPPARD. The site has been purchased.

Mr. NORRIS. What was the object in the original bill of providing for that very thing?

Mr. SHEPPARD. The original bill provided for the purchase of a site and specified the ground to be purchased.

Mr. NORRIS. Has the site been purchased since this bill was reported to the House?

Mr. SHEPPARD. The ground has been purchased since the original act was passed authorizing the building, which was in May, 1908.

Mr. NORRIS. This bill was reported to the House this month.

Mr. SHEPPARD. But this bill simply repeats the original act, with one amendment, leaving out certain words—repeats the act which was passed in May, 1908. It simply reenacts it, with a certain amendment.

Mr. NORRIS. I understand. It wipes out all of the bill; but I could not understand why, within a few days, it was necessary, in the judgment of the committee, to report a bill providing for acquiring an additional site.

Mr. SHEPPARD. It does not require the purchase of an additional site. It simply quotes the original act and makes certain necessary alterations in the language.

Let me say further, not only would great loss of property occur but the present conditions of that building are a menace to the health of the 4,000 people, employees, who are there now, and that considerations of expediency and humanity demand immediate action on this bill. [Applause.]

Mr. Chairman, I should like to now yield five minutes to the gentleman from Illinois—or how much time would the gentleman require?

Mr. CANNON. Very briefly. Mr. Chairman, I think I can state in indorsing what the gentleman from Texas has said quite briefly. In 1908, after examination, and I may say I was one of the parties who examined it with the late Committee on Appropriations of the last Congress, or the one before that, in 1908, and I went down and made an actual examination of the conditions of the Bureau of Engraving and Printing, and I may say that I was satisfied, after making that examination as one Member of the House, and with the Committee on Appropriations, that is was absolutely necessary from every standpoint to have prompt action in building a new building. I found it all miserable, insanitary, and crude almost beyond description.

Mr. SHEPPARD. And that was in 1908?

Mr. CANNON. That was in 1908. The matter was presented to the House and legislation was enacted to purchase an addition to the site and to construct a building, authorizing a contract with something over $2,000,000 the limit of cost—I have the amount exactly, but that gives it substantially.

Mr. CLARK of Florida. Two million one hundred and fifty thousand dollars.

Mr. CANNON. Two million one hundred and fifty thousand dollars. The law went into effect, and under that act an addition to the site was purchased to the south of the present office at a cost of $400,000, but when they came to advertise, as they were authorized to do, for bids for construction and to place it under contract, they got bids for several different kinds of foundations, one for granite, one for limestone, and one for common brick. The one for common brick came within $150,000, as I recall it, in round numbers, of the limit of cost. The one for limestone exceeded the limit of cost, after paying the $400,000, by $150,000, and the one for granite exceeded the limit of cost in round numbers by from $600,000 to $800,000.

Now, this amendment is designed for the purpose of enabling a contract to be let. If it should be, and it will be let, as we are informed by the Supervising Architect—and the gentleman's information I have no doubt is the same to the Committee on Public Buildings and Grounds; I am speaking now as a member of the Appropriations Committee, which incidentally conducted an examination—we are informed that it can be placed under contract with the limestone facing for $150,000 in addition to the amount for limit of cost as originally provided. It does not require an additional appropriation at this time, because it can be placed under contract, and there is quite enough money, as I understand it, and I will ask the gentleman from New York——

Mr. FITZGERALD. There is ample money appropriated.

Mr. CANNON. There is money appropriated for the present, but the money would have to be appropriated from year to year in the future as the work would progress. I want to say from the standpoint of humanity, I want to say from the standpoint of public service, in my judgment this bill ought to pass as the gentleman from Texas proposes to amend it, striking out all after the enacting clause and enacting the amendment that he had read at the Clerk's desk.

Mr. SHEPPARD. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, prior to the visit to the Bureau of Engraving and Printing by the gentleman from Illinois a number of labor associations and civil associations interested in the welfare of those employed in the Bureau of Engraving and Printing emphasized the outrageous conditions existing in the Bureau of Engraving and Printing, and the building was examined by so many different parties, who were horrified by the conditions, that in 1908 the Congress authorized the construction of this building. My recollection is that appropriations have been made to the limit of cost.

Although plans have been prepared, and it has been possible for contracts to be let, and the work to be under way and considerably advanced, because the character of the building that could be erected was distasteful to the Fine Arts Commission and to many volunteer associations, which attempt to determine the character of the buildings that can be erected in the District of Columbia, the proper officials have refused to obey the law and construct this building. They refuse now to construct the building under the present law. And although it has been shown that the conditions in the present building are unequaled in any other building of any kind in this country, they permit these employees to continue their employment under conditions that can not with decency be described in this House. Some modifications of the original plans have been proposed.

The law provided that a building approximately 500 by 350 feet, with interior courts, four stories in height, with a basement, should be erected. A number of different plans have been prepared, and an attempt has been made to coerce Congress into authorizing and erecting a granite building in which the work of the bureau should be conducted. The building proposed would afford only two-thirds of the space required and necessitate within the near future a very considerable increase in appropriation in order to give the facilities required.

After considerable investigation it has been ascertained that by modifying the original plan, by permitting the interior courts to be open at one end and compelling the building to be erected and faced with limestone, a building substantially in accordance with the building contemplated by Congress can be erected, which will afford all of the space originally intended for the Bureau of Engraving and Printing. To obtain such a building requires $150,000 more than the original authorization. The original authorization for site and for building was $2,150,000. With $2,300,000 it will be possible to have a building faced with limestone, giving the same space as intended and sufficient for all the needs of the bureau. Since the officials of the Government will not carry out the law and put up a building so urgently required for these employees, in order to have a condition where they can do their work under sanitary and moral conditions, it is believed advisable to increase the limit of cost so as to obtain a suitable building and one that will meet the objections of all those who have objected to the other building.

Mr. CLAYTON. Mr. Chairman, I would like to ask the gentleman from New York a question.

Mr. FITZGERALD. I yield to the gentleman.

Mr. CLAYTON. Am I to understand, from what you have said, that the Fine Arts Commission and other voluntary organizations——

Mr. FITZGERALD. And some officials.

Mr. CLAYTON (continuing). Have been potential enough in the matter of influence with the administration to disregard the law of Congress that required the construction of this building because the Congress did not see fit to provide for a granite building?

Mr. FITZGERALD. The statement of the Supervising Architect is to the effect that in order to erect a building of the size contemplated by Congress within the limit of cost it would be necessary to use common, ordinary brick. The building is to be erected on the Mall. Opposite to it is the building of the Department of Agriculture, and in another direction, in relatively the same position, will be the three new buildings to be erected for three of the departments of the Government; and it was asserted that to erect this building of common brick would really mar the entire situation there from an artistic and architectural standpoint. It was not believed by some of us that it should be erected of granite——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I will ask the gentleman from Texas [Mr. SHEPPARD] to yield me five minutes more.

Mr. SHEPPARD. I will.

Mr. FITZGERALD. But facing this building with limestone it will sufficiently harmonize with these other buildings.

Mr. CLAYTON. Then I understand from the gentleman that if we make this additional appropriation providing for facing the building with limestone it will so far meet the fastidious tastes of these associations that you have referred to as to permit the public officials of the Government to comply with an act of Congress to construct this building, and that without this appropriation we will meet with a veto of this Fine Arts Commission and of the officers of the Government refusing to remedy this horrible situation?

Mr. FITZGERALD. That is my understanding. Unless some legislation is enacted the building will not be erected.

Mr. CLAYTON. When did the Fine Arts Commission and the administrative officers of the Government become so powerful that they could ignore an act of Congress and coerce Congress into appropriating money to provide a building to suit their fastidious notions of architecture?

Mr. FITZGERALD. Well, I am unable to find any authority for their position. [Laughter.] I suppose it is peculiar to the policy which now controls the Executive Department; but it is a fact that they will not—that is the information—they will not proceed to carry out this law. The trouble is there is no remedy and no method by which they can be compelled to execute the law.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman a question.

Mr. FITZGERALD. I yield to the gentleman from South Carolina.

Mr. JOHNSON of South Carolina. I would like the gentleman from New York to state, so that it can go into the RECORD, whether, if the building is constructed of brick, limestone, or granite, the sanitary conditions would be the same. They would be, would they not?

Mr. FITZGERALD. Oh, certainly. It is immaterial what the outside of the building is constructed of, so far as the condition of the employees within the building is concerned.

Mr. JOHNSON of South Carolina. Then, if the object is to give these people a healthy and sanitary place to work in, we have provided sufficient money?

Mr. FITZGERALD. Unquestionably.

Mr. WEEKS. Mr. Chairman, undoubtedly this is an interesting discussion. We ought to have order, so that we can hear it.

Mr. SHEPPARD. Mr. Chairman, I ask for order.

The CHAIRMAN. The committee will come to order.

Mr. KENDALL. There is so much confusion that I am not certain that I correctly understood the statement of the gentleman from New York. Mr. Chairman, do I have the floor to submit an inquiry to him?

Mr. FITZGERALD. I yield to the gentleman in order that he may ask a question.

Mr. KENDALL. Does the gentleman say that this Art Commission refuses to construct the building as it was provided by Congress?

Mr. FITZGERALD. No; the Arts Commission does not refuse to construct it. The Secretary of the Treasury refuses to construct it, and I believe he has support in a higher place. I believe the administration is opposed to and will not permit, according to my understanding, the construction of this building as directed by Congress.

Mr. KENDALL. Has the Congress definitely prescribed the material which shall enter into the construction of this building?

Mr. FITZGERALD. No; it has not.

Mr. KENDALL. This amendment does that, does it not?

Mr. FITZGERALD. It does.

Mr. KENDALL. If this amendment were adopted, the Secretary would have no discretion?

Mr. FITZGERALD. No; it is not intended that he should have. If this be adopted, the building will be constructed of limestone, and within the limit of cost prescribed by Congress. But it may be desirable to know whether it is possible to get this administration to build it of limestone or whether it will insist upon granite.

Mr. CLAYTON. Has the gentleman any assurance that if we pass this bill these reluctant public officials will then consent to the construction of this building, or will they come again to Congress and try to coerce Congress into increasing the appropriation so as to make the building of granite or marble? In other words, are the administrative officers of this Government more powerful than the legislative branch of the Government?

Mr. FITZGERALD. Mr. Chairman, I would not assume to speak for them in that respect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I would like to ask the gentleman a question.

Mr. SHEPPARD. Mr. Speaker, I yield five minutes further to the gentleman from New York.

Mr. SISSON. The question I wish to ask is, Have they not had about three years in which to construct this building within the appropriation?

Mr. SHEPPARD. The site was not officially acquired until last year.

Mr. SISSON. But it has been authorized about three years, has it not?

Mr. FITZGERALD. Yes.

Mr. SISSON. I would like to ask another question of the gentleman from New York. He referred a few moments ago to the Arts Commission. Is the gentleman familiar with the plans of the building that it is proposed to erect for the Secretary of State, as detailed to the Appropriations Committee by Mr. Taylor, the Supervising Architect, the other day?

Mr. FITZGERALD. I might answer the gentleman by saying that I am not familiar with the plans, but I am familiar with the statement made by the Supervising Architect, in response to the question put by the gentleman from Mississippi.

Mr. SISSON. Does the gentleman recall that the Supervising Architect stated to the committee that there were three suites of rooms to be set aside in that building and devoted to the entertainment of royal guests and potentates and dignitaries? [Laughter.]

Mr. CLAYTON. Could a Member of Congress get in there? If not, I am against it. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, this is an unfortunate situation. If anybody will visit the Bureau of Engraving and Printing and see the conditions under which men and women are compelled to do their work there he would be horrified. Nobody could go there and make a careful investigation without reaching that conclusion.

It has shocked persons who have given their time and their energies to the amelioration of the condition of the employees, and in the hope that the administration will take immediate steps to alleviate this condition, I hope this bill will be passed.

Mr. CLAYTON. Mr. Chairman, I ask the gentleman from Texas [Mr. SHEPPARD] to give me five minutes.

Mr. SHEPPARD. With pleasure.

Mr. CLAYTON. Mr. Chairman, according to the testimony here to-night of the distinguished gentleman from Illinois [Mr. CANNON], who is perfectly familiar with the appropriations heretofore made by Congress and perfectly familiar with the conditions in this bureau, and according to the statement of the gentleman from New York [Mr. FITZGERALD], now the chairman of the Appropriations Committee, who has the same familiarity with these subjects, and according to the statements made by other gentlemen also familiar with the affairs of that bureau, a lamentable condition has existed for three or four years in the Bureau of Engraving and Printing.

The fault is not with Congress. Three or four years ago, when the gentleman from Illinois [Mr. CANNON] was the distinguished Speaker of this House, Congress appropriated money to alleviate that condition, to stop that horrible state of affairs in this Bureau of Engraving and Printing. The solemn act of Congress, appropriating the money adjudged to be adequate to meet the situation, was passed, and yet we find that for more than three years this law has been ignored. Administrative officers of the Government have spat upon it; they have defied it. I want to know who is responsible for that continuation of these deplorable conditions in the Bureau of Engraving and Printing. [Applause on the Democratic side.] Now, of course, we know that the administration, charged with the execution of the law, sworn to execute the law, is guilty of a failure to remedy this deplorable condition. [Applause on the Democratic side.] We are told that a lot of gentlemen styling themselves the Fine Arts Association did not agree with the opinion of Congress, expressed in its enactment. The condition called for action on the part of Congress. Congress met it by making what, in its judgment, was an adequate appropriation. Along came these gentlemen of exquisite taste, who said they wanted to observe the natural harmonies incident to that scenery down there. They forgot the sufferings of the people who have to labor there day by day, and for three years this administration has defied the law and permitted these people to live under those most shameful conditions. [Applause on the Democratic side.] Now, somebody is to blame for it. To meet this situation Congress is asked to-night to assume the pitiful position of acceding to the demand of these administrative officers to the extent of saying, "While we will not construct this building of granite, we will meet you halfway, and we will face the building with limestone."

Most of us here, Mr. Speaker, especially from my section, are glad to live in a good frame house. I wish I was able to build and live in a brick house. [Applause on the Democratic side.] A brick building, sufficient in size, sufficient in sanitary conditions and arrangements, is good enough for a printing office in Washington or in Eufaula, where I live. Now, somebody is to blame. I do not want to keep these poor people huddled up there in this miserable den, with their health threatened, perhaps getting tuberculosis and other diseases. I asked the distinguished gentleman from New York [Mr. FITZGERALD], chairman of the Committee on Appropriations, if there was no remedy. I asked him if mandamus would not lie and compel them to build it. He told me—and he seemed to have looked into it—that it would not lie; that there is no remedy except that we accede to the wishes of the administrative officers and the Fine Arts Association and beg a compromise by facing the building with limestone. Let us have the building, and if we can not get it one way or another, rather than have this continue—if Congress is so impotent—let us increase this appropriation and relieve these suffering people, and let the country judge of the dereliction of its administrative officers. [Applause on the Democratic side.]

Mr. SHEPPARD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I think it is well enough to get down onto the earth to the practical matter involved in this proposed amendment. It is true that three years ago this law passed, but the site had to be acquired, and it takes time to acquire a site.

The site was acquired and the building advertised for—first for brick, second for limestone, and third for granite. That was a very proper thing to do so as to get the bids and get the best building possible for the money. These bids came in on the 1st day of last January, or about that time. Up to that time there was no delay.

Now, the building might have been let by contract within the limit of cost on the 1st day of January with a common sand-brick finish; that is, faced with common sand brick, not the hard brick like that in the Government Printing Office, but a hand-molded brick, as we used to call them on the Wabash. It would have made a durable building. But I put it to the gentlemen here, without making any excuses for the Fine Arts Commission, that this building, being on the Mall, just west and a little back of the Agricultural Department Building that is faced with marble, and close to and confronting the Washington Monument, the Corcoran Art Gallery being a little farther up, whether or not all of us would not prefer a better finish than the plain sand-molded brick.

Anyhow, right or wrong, the contract was not let. Now, I want to say that I am quite well satisfied that if the Fine Arts Commission had its way, and perhaps some of the officials, that it would be faced with granite, but I am quite well satisfied that as the Agricultural Department is faced with marble, that limestone is the better facing, and besides that, being over $400,000 cheaper.

I recollect that I was on the commission that built the House Office Building, and Carrere & Hastings were the great consulting architects. When we got the bid for the limestone and the bid for the granite and the bid for the marble, the bid for the granite was the highest, as I recollect it, and next came the marble and next came the limestone. These supervising architects said that to be in harmony with the Capitol, as the Capitol was finished with marble, that the Office Building ought to be faced with marble, but they would prefer, even at the same price, that it should be faced with limestone.

So that recollecting their opinion, and as it is between $400,000 and $500,000 cheaper to face it with limestone than it is with granite—there is no limestone in my district or in my State that is fit for facing—I am of the opinion that we ought to face it with limestone. And yet if we want to please the Fine Arts Commission—and we want to please the fine people about Washington—I am satisfied that we would put marble in as a facing; but I do not believe it is as good, harking back to the great architects, Carrere & Hastings, certainly no better, and not so desirable as limestone, considering that the Agricultural Department is faced with marble.

Now, I do not know of any way to mandamus the Secretary of the Treasury or the Fine Arts Commission. But, for one, I believe that we ought to increase this limit of cost as the amendment proposes, by $150,000. The Supervising Architect informs us that with that increased limit of cost he can let this contract at once. I believe we ought to give it, and if he does not let it at once, I think we will try and find out the reason why.

If I may have a minute more, Mr. Chairman, I wish to say, with regard to the employees of the Bureau of Engraving and Printing working under the present conditions, it is but just to the Government and to them that they should have a building 500 by 300 feet, with the interior open as recommended. It is sanitary. The Government needs it from the practical standpoint, from every standpoint, and I think the agreement to this amendment to the law will give us a building that is worthy to face the Washington Monument and in harmony with the other buildings on the Mall. [Applause.]

Mr. CLAYTON. Mr. Chairman, I would like to ask the gentleman a question. Will the gentleman yield?

Mr. CANNON. With pleasure.

Mr. CLAYTON. Has the gentleman any assurance that the building will be constructed at as early a date as practicable if we make this appropriation here to-night?

Mr. CANNON. In my judgment it will be, but suppose it is not, what can we do except to raise a committee to make an investigation to see why the law is not executed? Of course, we can not mandamus the Executive, but we could censure, we could criticize, and in case of crimes or misdemeanors or severe cases of malfeasance we have a remedy under the Constitution.

Mr. CLAYTON. We might, perhaps, impeach?

Mr. CANNON. Yes. But, after all, I apprehend that will not be necessary. I want to say in conclusion that I am anxious about this matter from the standpoint of public service and the humane standpoint as well, and I want to say further that it is pretty difficult to stand out against a Fine Arts Commission and against the architects and against the good men and the good women who make themselves busy from all standpoints—I do not mean improperly, through bribery or anything of that kind.

Why, the gentleman recollects that the Park Commission that made this magnificent design for the improvement of Washington made it under a resolution of the Senate and from their contingent fund. They traveled all over Europe. They did not have the assent of the House. It was done at an expense of $75,000. They made these magnificent plans. They are magnificent, and in the main good, but when the Senate came to have its contingent fund made good we of the House said that we would not do that unless they would assent to amend the law, that the Treasury Department should audit the expenses of their contingent fund, and we forced that amendment. Otherwise the Senate might carry on a war, or build naval vessels, or do almost anything from its contingent fund if the law had remained as it was, namely, that the expenditures should be settled under the direction of the Senate upon a certificate of the Secretary.

Mr. SHEPPARD. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I was present at the meeting of the subcommittee of the Committee on Appropriations when Mr. Taylor, the Supervising Architect, was before that subcommittee. I then heard the statement which Mr. Taylor had to make in response to some questions asked by the gentleman from Illinois [Mr. CANNON], who has just taken his seat. It was apparent at that time that this building was not erected because the department, according to Mr. Taylor's statement, wanted a granite building, to be in harmony with the other buildings along the Mall. Now, Mr. Chairman, it strikes me that the departments of this Government, after Congress has solemnly deliberated upon a propositon, after the estimates shall have been made, are in poor grace when they deliberately say that they will not observe the mandate and the will of Congress, because that is tantamount to a law. Simply because they can not be punished for it, as was suggested by the gentleman from Illinois, does not relieve them of the responsibility.

A failure to perform a duty of that kind ought to receive the severest sort of censure, because if Congress expects to be respected, if these two bodies, one representing the people and one representing the States, are to be respected, we should not permit one of these executive departments or the executive officers after a law has been passed through this House and through the Senate and has received the signature of the President to set that law aside. It does not lie with them to decline to enforce that law unless they come immediately back to Congress and show that there was some error.

Mr. MANN. Mr. Chairman, will the gentleman permit a question?

Mr. SISSON. Certainly.

Mr. MANN. No one, of course, will gainsay the statement of the gentleman, and yet does not the gentleman think when we passed a bill to increase the cost of a public building at Lynchburg the other day after a contract had been let, which was held up in order to give Congress an opportunity to increase the limit of cost, we did what was right and that that was a proper action on the part of the Supervising Architect?

Mr. SISSON. I have my greatest doubts, Mr. Chairman, about whether the Supervising Architect has any right to hold up a building under any consideration unless some error has crept into the plan, because if Congress will give the increased cost it is very easy to get the building started under plans that will require more money than Congress intended to give and then make the larger building.

Mr. MANN. Oh, but you can not start it unless the contract comes within the limit of cost, nor are they authorized to let the contract unless the contract completes the building within the limit of cost.

Mr. SISSON. That is the law.

Mr. MANN. Now, take a case like this, where in the opinion of the Treasury Department it would not be the desire of Congress if it knew in advance that the limit of cost would not permit a building to be constructed except of common brick, and knowing it would not be the desire of Congress to do that, does not the gentleman think after all it is perfectly fair and proper in the Treasury Department to give Congress an opportunity of saying whether it will insist on its limit of cost and produce such a building as was not in the mind of Congress when the limit of cost was fixed?

Mr. SISSON. But they knew this more than a month ago—I am not sure just exactly what Mr. Taylor's statement was, but they knew it shortly after the appropriation was passed and shortly after the adjournment of Congress, for they commenced to investigate this matter, and it was then that the protest came against putting such a building as authorized by Congress on that portion of the Mall unless it conformed to all the other buildings on the Mall.

Mr. MANN. I understand, but after all, I understand further the department did not refuse to act but did not make the contract, but it was not very long ago that they proceeded up to the point where they could act.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SHEPPARD. I yield the gentleman five minutes additional.

Mr. MANN. Where they could contract or let a contract until Congress had an opportunity to act. Now, I do not believe either the gentleman or myself—yet we both have the same views about the Fine Arts Commission—neither one would have this building erected of common brick——

Mr. SISSON. No.

Mr. MANN (continuing). Facing the Monument, and if the Treasury Department had gone ahead and let the contract for building the building of common brick I think they would have been more subject to censure than they were to wait until Congress had an opportunity to act.

Mr. SISSON. But the trouble about that is that they have had ample time. There have been two sessions of Congress, if Mr. Taylor's statement is true there have been two sessions of Congress beside this, since they found they could not build the building within the limit of cost.

Mr. MANN. But Congress in the meanwhile had taken no action. The matter was still under consideration by Members of Congress; it was being considered, in a way, by the last Committee on Public Buildings and Grounds.

Mr. SISSON. Now, Mr. Chairman, the trouble about this matter is it falls upon this Congress—the additional amount carried in this bill as I recollect is $150,000.

Mr. SHEPPARD. The limit of cost is increased to that extent.

Mr. SISSON. It is increased up to $150,000. Now, that increased cost of $150,000 is placed upon this Congress. Now, they knew at the last session of Congress exactly what they know now. Why did not they then let the last Congress take care of the $150,000 extra when they then knew just exactly what they now know, that they can not build a building that they want there within the limit of cost.

Mr. KENDALL. Will the gentleman permit a question?

Mr. SISSON. Yes.

Mr. KENDALL. Did the Supervising Architect notify Congress that the building could not be constructed within the original limit of cost?

Mr. SISSON. My information and all I have about it is what was given to the Appropriations Committee by Mr. Taylor, the Supervising Architect, a few days ago to the questions propounded by Mr. CANNON, of Illinois.

Mr. KENDALL. Well, what was it?

Mr. CLARK of Florida. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Florida?

Mr. SISSON. Please do not take up all my time.

Mr. CLARK of Florida. I want to ask the gentleman this: Suppose that what he says is absolutely correct, and that somebody has been derelict, and that this matter was not reported to the last Congress, does that excuse us in the performance of a plain duty now to take care of these people?

Mr. SISSON. Mr. Chairman, it is only about 90 days until the next session of Congress. Now, there is no good reason why these matters should be taken up at this time. There have been a number of matters that were extremely pressing all over this country, and Congressmen have been desirous of having them taken up, and yet the Democratic Congress does not propose to open up the doors. And there is no reason why this matter should be taken up at this time when you would only have to wait 90 days longer.

Mr. MANN. Will the gentleman yield to one more question now?

Mr. SISSON. Yes.

Mr. MANN. If this matter should not be taken up now and should go over does the gentleman think the Supervising Architect ought meanwhile to let the contract for the construction of this building of common brick, facing the Washington Monument?

Mr. SISSON. Mr. Chairman, I do not want the Supervising Architect to let the contract for common brick.

Mr. MANN. The gentleman is criticizing the Supervising Architect for not acting. If we do not act, how can he do so?

Mr. SISSON. As a matter of fact, you will find in preparing the plans and specifications for this building it is only necessary to enlarge them. Congress had a hearing at the time they intended to erect this building, and, according to the hearings and according to the statements made at that time, they had ample money with which to build it. Now, if they made a larger building and prepared plans and specifications with more floor space, after getting Congress committed to the proposition, and then came back to Congress asking for a little more money, not because they did not know at the time—for they did know—they were deceiving the committee, in that they said that they could build an ample building with that amount of money. Now, it has not been shown anywhere, as I have been able to find, and I have not heard anybody make the statement——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHEPPARD. Mr. Chairman, I yield to the gentleman three minutes more.

Mr. SISSON (continuing). That this appropriation was not ample for the building authorized by the Committee on Public Buildings and Grounds and provided for by the Appropriation Committee. Now, if they make a larger building and make a building that will cost more money, and do it intentionally, then Congress loses the right to control the kind and character of the building that will be erected; and these men, after we are committed to the proposition, will be always in the attitude they are now.

Mr. CANNON. The law passed two years ago provided that this building should be 500 by 300 feet, and the plans were for a building of that kind, and they could not have been made in any other way.

Mr. SISSON. All of us that have had any experience at all in erecting small buildings—courthouses and various and sundry similar buildings that are erected in the States—understand that it is so easy to erect an entirely different kind of building with a floor space only specified.

Mr. FAISON. May I suggest to the gentleman that he amend this bill to the effect that we wait until the Tariff Board reports? [Laughter.]

Mr. SISSON. Mr. Chairman, I want to state before I conclude my remarks that when I objected to the consideration of this bill I agreed to withhold my objection until the chairman of the Committee on Public Buildings and Grounds could make a statement. Several gentlemen gathered around me asking me not to make the objection. I simply withheld the objection, and after withholding it, while the gentlemen were talking to me, somebody made a motion that the House go into Committee of the Whole for the consideration of the bill. I realized, after these gentlemen ceased to talk to me and ceased to prevail with me, that the House had gone into Committee of the Whole. Now, my reason for stating to the House that I was going to insist upon having a quorum present, was because I do not expect as long as I am a Member of the House to fail to assert my little rights here. [Applause.] Now, I had an absolute right to object to the unanimous consent consideration of this bill, and I did it; and then upon the request of some gentlemen—I do not recall now who they were—I gave the gentleman from Texas [Mr. SHEPPARD] an opportunity to explain the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I think he will save time by giving me two or three more minutes.

Mr. SHEPPARD. I yield three more minutes to the gentleman.

Mr. SISSON. Now, Mr. Chairman, after those gentlemen had finished discussing the matter with me I found that the House had gone into the Committee of the Whole, and I then raised the point of no quorum, but I was constrained to withhold the point as the result of talking to these gentlemen and listening to those of my friends who endeavored to prevail with me not to object.

Now, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I demand the reading of the bill. But, first, I desire to ask a question, if the gentleman in control of the time will allow me.

As I understand it, when the House is in Committee of the Whole House by agreement the bill is considered under the five-minute rule.

Mr. MANN. We are in Committee of the Whole.

Mr. CANNON. Yes.

Mr. SHEPPARD. Mr. Chairman, has my time been consumed?

The CHAIRMAN. It has.

Mr. FOSTER of Illinois. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. I think inadvertently an injustice was done to somebody, which ought not to go into the RECORD. The gentleman from Texas [Mr. SHEPPARD] asked unanimous consent to consider this bill in the House as in Committee of the Whole. The gentleman from Mississippi [Mr. SISSON] objected, after some little discussion, and the gentleman from Texas thereupon moved that the House resolve itself into Committee of the Whole. That is when the gentleman from Mississippi became surrounded, after the question had been put to a vote, and after we had had a rising vote and the Chair had announced the result. The gentleman from Mississippi then stated that he would make the point of order of no quorum, and then he was surrounded again by a number of his friends and induced to withdraw the point of no quorum. He withdrew it, and there was nothing that the Speaker could do under the rules but to declare the result of the vote on the motion which the gentleman from Texas had previously made, and that put us into Committee of the Whole. No one at that time was intending to take any advantage of the gentleman from Mississippi.

Mr. SHEPPARD. The time is now in control of the gentleman from Illinois [Mr. FOSTER].

Mr. AUSTIN. Will the gentleman yield some time to me?

Mr. FOSTER of Illinois. I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. AUSTIN. Mr. Chairman, I think the gentleman from Mississippi has left us in some doubt as to what course he intends to pursue with reference to raising the question of no quorum. If he goes to that extent, I hope that the Members of the House will order a call of the House, and that we will stay here and put this legislation through, even if we have to invoke the services of the Sergeant at Arms to bring the absent Members into the House. [Applause.]

Here is an appalling condition in one of the great departments of the Government, a condition that appeals to the humanity of every man on the floor of this Chamber. This condition has existed for more than five years. An appeal was made to Congress by Secretary Shaw, and another appeal was made by Secretary Cortelyou, and a third appeal by the present Secretary of the Treasury, and——

Mr. CULLOP. Mr. Chairman, will the gentleman from Tennessee permit a question?

Mr. AUSTIN. Yes.

Mr. CULLOP. Did not each one of these Secretaries have the power to proceed under the act of Congress to construct this building, and did they not delay doing it because it was not of a character that suited the desires of this Fine Arts Commission?

Mr. AUSTIN. I will answer the gentleman's question by reading from the unanimous report of the committee, submitted to this House by the chairman, the gentleman from Texas [Mr. SHEPPARD].

The erection of the new building was authorized by an act approved May 27, 1908. That act authorized a building of the approximate dimensions of 300 by 500 feet, with basement and four stories, with interior courts, and of fireproof construction, the limit of cost, including site, being fixed at $2,150,000. After the acquisition of the site

and the preparation of final plans it was found that the building could not be constructed of suitable material within the original limit of cost. The first designs contemplated a plain factory building of brick with limestone trimmings, and this type of structure could have been completed within the established limit of cost.

If the present administration prevented the construction of an unsightly factory building, constructed of plain brick, within the shadow of the Washington Monument, it did a righteous thing.

Mr. CULLOP. Then it ought not to complain, nor ought anyone else in its behalf, about the hardship imposed upon the laborers there. It alone is responsible for their safety and not Congress. Congress did not provide for an unsightly building, but its construction was delayed because a building was not provided for that suited the exquisite taste of a certain commission.

Mr. AUSTIN. I ask the gentleman from Indiana, in all candor and frankness, would he, as a Member of this House, approve the construction of a brick factory building on the present site of the Bureau of Engraving and Printing?

Mr. CULLOP. No; but I would approve of the construction of a building of limestone. By so doing I would secure safe working places for these people. I would have the mandate of Congress obeyed.

Mr. AUSTIN. Yes; but Congress failed to appropriate a sufficient amount of money to construct a building made of limestone.

Mr. CULLOP. Yes; but was not Congress notified that it would not be built, if Congress did not provide the money for a marble building?

Mr. AUSTIN. Congress failed to appropriate a sufficient sum of money with which to construct this building out of limestone.

Mr. RAINEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. AUSTIN. In a moment. The only material within the limit of cost, out of which this building could have been constructed of these dimensions—300 by 500 feet—basement and four stories, was plain or ordinary brick.

Mr. RAINEY. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. RAINEY. Will the gentleman explain why it is that a factory building was not located in some section of the city where factory buildings might suitably be erected, and not under the shadow of the Washington Monument?

Mr. AUSTIN. That matter was settled by a previous Congress, and at that time I was neither a member of the Committee on Public Buildings and Grounds nor was I a Member of the House.

Mr. RAINEY. Does the gentleman say Congress selected a site for this building?

Mr. AUSTIN. I said a previous Congress authorized the appropriation out of which a site was purchased.

Mr. RAINEY. But it did not designate this site.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. I should like five minutes more.

Mr. FOSTER of Illinois. I yield to the gentleman five minutes more.

Mr. AUSTIN. I will never, as a Member of this House, vote for a Government building in Washington to be made of brick. I think the only objection to this proposition is that it does not go far enough, and does not appropriate sufficient money for the construction of this building of either granite or marble.

Something has been said here about the Fine Arts Commission. You can not possibly make the Capital City of the greatest Republic on the face of the earth too beautiful or too enduring for the American people; and the money expended by the United States in sending that commission abroad to visit foreign capitals, to study buildings in foreign lands, was money well spent.

Mr. CLARK of Florida. Will my colleague allow me to ask him a question?

Mr. AUSTIN. Certainly.

Mr. CLARK of Florida. It has been suggested that the Secretary of the Treasury might have gone forward and let the contract for the construction of this better building, awaiting the action of Congress to make up the deficiency. Now, I want to ask the gentleman if the Secretary had done that would he not have committed a violation of the statute?

Mr. AUSTIN. Most assuredly he would. Here is a Government of 90,000,000 of people, with three great executive departments in rented buildings. We are expending every year half a million dollars in rentals alone. Many of the executive departments of this Government are scattered in as many as 10 separate buildings in this city. This Congress could not do a wiser or better thing than to appropriate a sufficient amount of money or issue low rate of interest bonds to finish and complete and house every executive department of the Government. [Applause.] Now, some question has been raised here as to whether, if this provision is made, the Secretary of the Treasury and the Supervising Architect will go forward with this work. I want to give my assurance that they will carry out the instructions of this Congress, and within 30 days the bids will be invited, the contract will be let, and by the convening of Congress in regular session this building will be in course of erection. I say that after a conversation or an interview with the Assistant Secretary of the Treasury having public buildings in charge and the Supervising Architect.

I want to say to the gentleman from Mississippi that if he intends to block this legislation, he is rendering a hardship upon the working men and women and girls and violating the expressed wish of every labor organization in the city of Washington. I appeal to him to support a unanimous report from this committee, backed up by the recommendation of three Secretaries of the Treasury and two directors of this great bureau. This bill must be acted upon, and no question of a quorum ought to defeat it. There ought not to be a vote against it, if we listen to the appeal of reason and the cry of humanity—for if you read these reports as to the crowded conditions and insanitary conditions, the unhealthy conditions, of 4,000 employees, you can not resist an appeal which comes from every one of them. [Applause.]

Mr. FOSTER of Illinois. Mr. Chairman, I think we can well afford a short time for the consideration of this matter. It is of a good deal of importance—not only a consideration of this present bill but the principle involved in the action of the executive officers in not following out the will of Congress. You go out and look into that vicinity and you will find another building which was built I take it, not in accord with the will of Congress. At least, I judge so. I do not suppose Congress would have passed a bill to have erected the Agricultural Building in the way it has been built where the present building now stands.

The great difficulty with a matter of this kind is that over here in the House we pass a bill which we think is going to go through all right and according to our understanding of what ought to be done, but there is another body that has something to say about it. Very often in the closing days of Congress, when it comes back here and is rushed through under the hurry of the moment and the eagerness of Members to get away, we find our bill has been changed very materially.

Now, I believe it is a wrong that is being done to these people who are working down in that department—these people who are huddled together as they are there. It is a shame on this Government that they have been permitted so long to work under the conditions that they have to work there. We get up here in this Congress and talk about more stringent laws for factory inspection. We talk about more stringent laws in favor of labor, and yet the Government permits 4,000 people to work there so close in the hot summer days that they can hardly walk around in that space. It is a shame that they have to stand there and work the way they do under such bad sanitary conditions.

Whether it costs $150,000 more now, if we are to be held up for that amount and secure a more artistic building, I believe it is our duty to be held up for the sake of humanity, and then in the future, when the executive departments of our Government undertake to take matters into their own hands, as they do, we ought to call a halt, even on this Fine Arts Commission, that goes about the city saying how beautiful they may make it at the expense of the taxpayers of the country. Now, we created this Fine Arts Commission. I do not think I voted for it, but it was created by Congress.

Mr. KINKEAD of New Jersey. Why not destroy it?

Mr. FOSTER of Illinois. I would destroy it if I could. While I believe that the city should be made as beautiful as possible, I never have yet seen where a commission was created like this or any other that it did not cost the Government hundreds of thousands, aye, millions of dollars more than was necessary. [Applause.]

I yield three minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, if this bill goes to the Senate without some assurances that it would not be there amended and the Fine Arts Commission gets the Senate to put its buildings in instead of ours; I say if there is not some assurance that we will not finally have that sort of a building, I would not, unless you could get a quorum here to-night, permit the bill to pass. But the chairman of the Committee on Public Build-

ings and Grounds assures me that no other building will be authorized at this Congress, because he and the conferees or those who, perhaps, will be the conferees have agreed that nothing of that sort shall be put over the House during the closing hours of the session.

Mr. SHEPPARD. I am glad to give the gentleman that assurance.

Mr. MANN. Will the gentleman yield for a little further inquiry on that subject?

Mr. SISSON. Certainly.

Mr. MANN. The gentleman says this session of Congress, as I understand?

Mr. SHEPPARD. Or any other, as far as our committee is concerned.

Mr. MANN. So that if we pass the bill and it goes to the Senate and comes back with a provision for a granite or a marble building, it will not get favorable consideration from the gentleman's committee?

Mr. SHEPPARD. It will not, and I think I can speak for the committee.

Mr. SISSON. Mr. Chairman, I have no earthly objection to this building being constructed at once, and at the very earliest hour, because if we get a building of the character and kind described by the architect for $150,000 more than the brick building would cost, I have no objection.

My friends on the Democratic side have been laboring in the interest, as they say, of the "boys" who labor down in that building, and I want to assure them that they have labored with me earnestly and have "pestered" me a great deal to let this bill go through. There is not a man on the floor of this House who sympathizes more deeply with those people who toil and labor with their hands than do I, and I would be glad to relieve every human being of every ache and pain that is caused by hard labor. Therefore no man need make an appeal to me in the interest of suffering, weltering, sweltering employees in that building. [Applause.] I have melted and sweltered at hard labor in my life myself, and I know what it means. So I take a great deal of pleasure in assuring these gentlemen that it gives me just as much pleasure as it does them to permit this bill to pass, because I believe that now it is in such shape that we are assured, at least at this session of Congress, that we will not be compelled to vote down extravagances that originate at the other end of the Capitol.

Mr. MANN. Or any other session.

Mr. FOSTER of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, I may say to all of the gentlemen who are so solicitous for the passage of this bill that it is going to pass here to-night. There is no doubt about that. If I felt as sure that the building will be promptly erected as I do that the bill will pass to-night, it would give me a great deal of pleasure. This discussion here to-night has not been without profit. It calls the attention of the country to the dereliction of public officials, and that was my only object in aiding somewhat in provoking the discussion—to get information as to why this building had not been erected heretofore, and some assurance from that side of the House that it would be erected at an early date. I am satisfied that somebody has been at fault for not having erected this building before. I am satisfied that when we pass this appropriation to-night it will be erected at an early date, and I know, whether it is erected or not, that it ought to be erected just as speedily as possible. [Applause.]

Mr. HAMILL. Mr. Chairman, like the gentleman from Alabama [Mr. CLAYTON], I am perfectly aware that this bill will pass, and I believe with him that a great deal of valuable information has accrued from this debate. The great benefit that has come out of it is that this committee has taken a more reasonable view of the situation than that which it possessed regarding it when the debate began. The opposition seemed to be directed to the point that the administrative officers of the Government had been unwarrantedly hostile and contumacious in not carrying out the desires of the legislative branch of the Government. However that may have been, we are now satisfied that their delay in obeying the will of the legislative branch of the Government has been of benefit to the Government. If they had carried out the original instructions, we would have had an unsightly, inadequate, eyesore of a building erected in a section of the city to beautify which and to make plans for the beautification of which thousands of dollars have been expended.

But beyond all this there is the question of fair dealing, of good policy, of humanitarianism on the part of the Government toward its employees. Time and again I have been down in the Bureau of Engraving and Printing, and I know that if such a plant had been conducted anywhere else by a private employer instead of by the Government, he would have been reported years ago by the factory inspectors of any community. I know that in my State factory workers who work by day are entitled to an average of 250 cubic feet of space, and those who work in the night are entitled to 400 cubic feet of space, and yet I am credibly informed—and in fact, so far as one can judge by looking at the conditions, I am convinced—that there is not half——

Mr. KINKEAD of New Jersey. Not one-fourth.

Mr. HAMILL. Or one-fourth, as my colleague suggests, of that amount of space given to the workers in the Government Bureau of Engraving and Printing. Now, what objection can there be to passing this bill. Everyone who has looked into the situation reports favorably on the matter and advocates this legislation to grant the increased amount of money necessary for the construction of this building.

It has been shown by the arguments advanced in the debate on the floor to-night that some one in the Government has been remiss, whether culpably or not, in the performance of his duty, and so much so that I have no doubt that irreparable damage has been done to the thousands of men and women who are employed in that building. Do not let us by further delay increase this injury. We know the situation thoroughly. We know the conditions that obtain in that institution not from hearsay, but from ocular proof, and we will never be better informed about them.

I am fearful that if these conditions are permitted to continue and we, the Members of Congress knowing those conditions, that we will be held responsible to the American people. Let us therefore act promptly in the matter and pass this bill without further hesitation or argument. [Applause.]

Mr. FOSTER of Illinois. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Chairman, I am somewhat surprised that there should have been any opposition expressed to the adoption of this measure at this time. Anyone who has gone through the building occupied by the Bureau of Engraving and Printing and observed the conditions existing there knows that they need a new building, a more spacious building, and that they need it right away, and no matter who may have been responsible for the delay in the erection of the building authorized, that is no reason for our refusal at this time to create a condition by which a new building will be erected. I have never in all my experience seen a worse condition, a worse sweatshop condition than exists in the Bureau of Engraving and Printing in this city. When it comes to the consideration of a building to house the executive of any of our departments there is no quibbling about the fineness of the material that goes into that building. When it comes to the erection of a building to accommodate the Members of this House or the Members at the other end of the Capitol, there is no quibbling whatever about the quality of the material that goes into that building, but when it comes to the erection of a building for the men who do the actual physical work that is necessary for the advancement of the interests of the Government, then and only then is there a quibble about the quality of the material that goes into the building; but no matter what the quality of the material may be, the men who do the work, the men who perform the actual labor necessary for the Government, are entitled to just as much consideration as the men who do the mental work for the Government. And there should be no question of quibbling at this time. We ought to have this building and have it just as soon as it is possible for us to get it, so that the sweatshop conditions may be abolished. [Applause.]

Mr. FOSTER of Illinois. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I have listened with considerable interest to this debate, and even if I had not heard any of the debate upon this subject, with the knowledge of affairs I have concerning that building in which the Bureau of Printing and Engraving is now quartered, I would be heartily in favor of giving those people who labor there a better and a more commodious building. It is magnanimous on the part of my friend from Mississippi to let this bill pass, but, if I am any judge of the sentiment of this House, it is overwhelmingly in favor of relieving the horrible conditions which exist down there. It is a shame upon our Government that conditions of that kind should be permitted. We represent the people of this country from one part of it to another, and are proud to stand upon this floor and proclaim and defend the rights of the laboring man.

We are proud to stand up in opposition to the oppression of child labor; we are proud to stand up in defense of those mat-

ters which make for human happiness and human health, but he whose voice is raised in opposition to this measure stands in opposition to all of those things. The conditions that exist there are not conducive to health, but, on the contrary, are conducive to disease and to unhappiness. And, although this bill calls for the additional amount of $150,000, I think that we should cheerfully vote that sum and give to those people quarters that will be sanitary, and erect a building that will be in keeping with the dignity of this country and to a great extent relieve human suffering. For one, while I am in favor of economy, I do not favor economy to the detriment of the health of our citizens. Those people employed there are not people of the District of Columbia alone. They come from your district and they come from my district; they come pretty nearly from every district in these United States; and the men who stand upon this floor to-night and talk against the erection of this building talk against the interest of those men and women who labor there. I hope when the vote is taken upon this measure that there will not be a single one registered against the passage of the bill. [Applause.]

Mr. SHEPPARD. Mr. Chairman, I move that we now close debate on this amendment.

Mr. MANN. Mr. Chairman, just a word. There has been a good deal of criticism indulged in here to-night concerning the administrative officers in relation to this matter and concerning the Government itself in relation to the Bureau of Engraving and Printing. I doubt whether either criticism is justified by the facts. At least, it does not seem to me that the Treasury Department is subject to criticism for delaying the letting of the contract on this building. The other day we passed an act to increase the limit of cost of a public building at Lynchburg, Va., where the contract had been held up. It went through by unanimous consent. The other day we passed a bill practically doing very much the same thing with the public building at Charleston, W. Va., for the gentleman from West Virginia [Mr. LITTLEPAGE], in order to save an old building there and hold up the contract. Notwithstanding the law of Congress, we exercised some common sense, which possibly we ought not to expect always of Congress, but we ought not to blame the administrative officers because they sometimes do it.

Mr. CLARK of Florida. If the gentleman will permit me, I will state that we also passed a bill absolutely changing a bill at Gettysburg to a monumental bill.

Mr. MANN. I am coming to that. We increased the cost in order to put a granite building at Gettysburg to correspond with the monuments that are erected on the battle field. We passed a bill here the other day, known as the Black Warrior River bill, after three days' discussion, after a contract had been held up by the administrative department of the Government in order that Congress might have an opportunity to register its will.

If the administrative department of the Government had erected this building facing Washington Monument out of common brick, there would have been no one to defend the action of the department. Everyone would have said that a man of common sense in the department, after ascertaining that they could not construct a decent-looking building within the limit of cost, would give Congress an opportunity to increase the limit of cost.

Mr. SABATH. The gentleman states that the Treasury Department is not responsible for this delay——

Mr. MANN. I stated nothing of the kind.

Mr. SABATH. Can he inform me who is responsible for the delay?

Mr. MANN. I beg my colleague's pardon. I did not state that the Treasury Department was not responsible for the delay. If he had listened to what I said, he would have discovered that I said that the Treasury Department was responsible for the delay, because it exercised common sense. Perhaps my colleague does not know what that means.

Mr. SABATH. Does the gentleman believe that common sense means to permit 4,000 people to suffer for three or four years under such conditions as have been described, and does my colleague believe it is common sense to permit 4,000 people in the Chicago post office to suffer in the same way, when an appropriation was made two years ago to secure a site, and the Treasury Department has not acted as yet? Whose fault is it? Is it the fault of some officer in my colleague's district or mine? I would like to know.

Mr. MANN. I am perfectly willing to discuss the Chicago post office if the House wants to take the time.

Mr. SABATH. The same conditions apply there that apply here.

Mr. MANN. Oh, we built a new building in Chicago a short time ago, and it was not owing to the gentleman that we provided an additional building which is to be in his district, where he and others are quarreling about where the site shall be located.

Mr. SABATH. There is no quarrel, I wish to assure you. We are desirous of obtaining a building where people can work.

Mr. MANN. There is a quarrel about it, but that has nothing to do with this question. In this case the site was condemned; the bids were advertised for. They were not received until last January—only a short time ago—and the Treasury Department did not wait much longer than this session of Congress to pass upon this question. If they are subject to condemnation, we would be subject to condemnation, and yet I do not see any occasion for condemning anybody in regard to it. I do not believe that the Treasury Department would have been warranted in holding up this building simply to construct a granite or a marble building. It is charged that that is the reason for holding it up. I do not know. But I know this, that they would have been subject to severe criticism if they had let the contract within the limit of cost.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. Certainly.

Mr. FITZGERALD. I think the gentleman has not got all the facts in this case. The department prepared plans for the building in accordance with the law, and then, after that, it determined that it would be impossible to construct such a building within the limit of cost, and instead of asking Congress for an additional appropriation it was determined that the entire character of the building should be changed in material respects, and the department had a new set of plans prepared, which, if carried out, would have furnished only about two-thirds of the floor space originally designed. Then it had a third set of plans prepared, and they have delayed, and delayed, instead of submitting to Congress the question as to whether they should proceed or not proceed within a reasonable time.

Mr. MANN. Absolutely. That is a case of a department trying its best to conform to the limit of cost, preparing three sets of plans in order to bring itself within the limit of cost prescribed before appealing to Congress; and when they did appeal to Congress they are condemned because they did not confine themselves within the limit of cost.

Mr. FITZGERALD. The gentleman is mistaken. They prepared two sets of plans for buildings not in conformity with the law.

Mr. MANN. They had a right to do that.

Mr. FITZGERALD. They had no right to do that. The law specified certain particulars, and they had no right to ignore them.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Here was a building authorized by a law which prescribed certain limits of cost and certain characteristics with respect to the building itself. It was impossible to construct a building of that size within the limit of cost.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. It was intended that the building should be built of brick.

Mr. MANN. I would like to have a chance to make a little statement. I will be glad to yield to the gentleman afterwards.

Mr. CARLIN. The gentleman has an hour, and he no doubt can make his statement in that time.

Mr. MANN. I am talking to the gentleman from New York.

Mr. FITZGERALD. I hope the gentleman will be permitted to make his statement.

Mr. MANN. I do not want to detain the House, but will the gentleman pardon me if I make a short statement? The Congress fixed the limit of cost and the size of the building. It was impossible to construct a building of that kind within the limit prescribed unless it was made of plain brick.

The department, in endeavoring to conform to the will of Congress as to the limit of cost, obtained new plans for the purpose of submitting to Congress the entire information it could acquire on the subject, in order that Congress might determine whether it would raise the limit of cost or reduce the size of the building. The gentleman from New York wants to raise the limit of cost.

The gentleman from Mississippi [Mr. SISSON] a few minutes ago complained because the department did not reduce the size of the building. He said that the law was binding upon the department as to the limit of cost, but apparently he did not understand that it was also binding as to the size of the building. The fact is, the law covers both things. The department was justified in waiting and ascertaining from Congress as to whether it desired to place one of the buildings facing the noblest monument on earth—placing there an old, common,

clay-brick faced building. I should have protested, as the gentleman from New York [Mr. FITZGERALD] and I did both protest, against the method of constructing the Agricultural Department building. I think the place below will never be hot enough properly to burn the man, whoever he was, who caused the marble building for that department to be located one floor beneath the surface of the ground, so that men are compelled to work there as clerks in hot weather below the level of the surface of the ground.

Mr. CARLIN. Will the gentleman yield now?

Mr. MANN. Certainly.

Mr. CARLIN. I wanted to suggest to the gentleman that the committee seems to be in favor of reporting this bill, and I think if he will ask unanimous consent that general debate be closed he could ascertain the judgment of the committee.

Mr. MANN. I notice that every time a matter of this sort comes up most of the gentlemen on that side of the House take the opportunity to criticize the administrative department of the Government, trying to throw mud at them, when they are entirely unjustified by the facts. I think they are entitled to be defended upon the floor of the House.

Mr. CARLIN. I want to say to the gentleman that I think a great service has been done the country by the delay; a great service has been done the city of Washington, and a great service has been done these people who work there.

Mr. MANN. I will quit if the gentleman will. [Applause and laughter.]

SEVERAL MEMBERS. Vote! Vote!

Mr. CARLIN. I ask unanimous consent that the general debate be closed.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk began the reading of the bill.

Mr. CANNON. Mr. Chairman, that has already been read. The amendment proposes to strike out all after the enacting clause, and is very short. I ask to have the amendment read.

The CHAIRMAN. The gentleman from Illinois is correct. The bill has been read. The gentleman from Illinois asks unanimous consent to have the substitute read instead of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the limit of cost of the fireproof building, including the cost of acquiring a site therefor and authority to contract for the same, authorized in the sundry civil appropriation act approved May 27, 1908, for the Bureau of Engraving and Printing, in the city of Washington, D. C., is hereby increased in the sum of $150,000; and said building shall be constructed with a facing of limestone: *Provided*, That the interior courts of said building may be open at one end."

Mr. SHEPPARD. Mr. Chairman, I move the adoption of the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I move that the committee do now rise and report the bill back to the House with the recommendation that, as amended, it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13367, and had directed him to report the same back to the House with an amendment, and with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. SHEPPARD. Mr. Speaker, I move an amendment to the title, rendered necessary by the amendment of the bill.

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title by striking out all after the words "nineteen hundred and eight."

The amendment to the title was agreed to.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill passed was laid on the table.

FUNDS OF THE KIOWA, COMANCHE, AND APACHE INDIANS.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill (H. R. 13002) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that House bill 13002 be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, what is the title of the bill?

The SPEAKER. The Clerk will report the bill.

Mr. JAMES. I suggest that the gentleman from Texas can explain it, and save the time of reading a long bill.

Mr. MANN. The bill ought to be read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, or so much thereof as he may deem necessary, and deposit the same in such banks of Oklahoma as he may select, under such regulations as he may prescribe, and thereafter use so much of the said funds for the benefit of said Indians as he may deem proper: *Provided*, That the Secretary of the Interior shall report to Congress at its next session the amount of such funds so used for the benefit of said Indians.

With the following committee amendments:

In line 5, after the word "States," strike out "the" and insert "so much of the trust."

In line 6, after the word "Oklahoma," strike out the words "or so much thereof."

In line 8, after the word "Oklahoma," insert the words "nearest the home of said Indian."

In line 13, after the word "Indians," insert the following:

"*Provided*, That this shall not apply to the Apache, Kiowa, and Comanche 4 per cent fund of approximately $2,600,000 now on deposit in the United States Treasury under the act of June 5, 1906 (34 Stats., p. 213), and subsequent acts of Congress."

The SPEAKER. Is there objection?

Mr. CANNON. I think that this bill ought not to be considered in the House.

Mr. MANN. Mr. Speaker, reserving the right to object, unless we can have some little discussion on it I shall have to object.

Mr. FERRIS. Mr. Speaker, I think if the gentleman would allow me to explain, there would be no objection to consideration of the bill. This bill permits the Secretary of the Interior to withdraw such of the funds belonging to the Indian tribes as to him seems necessary and proper, to be used for their benefit. It is their own money that he is using, now deposited in the Treasury.

The necessity for this arises from the fact that for a number of years the Indian traders have been on the reservation and have extended credit from time to time. In July of this year the traders were put out of business and we no longer have Indian traders there. For the last three years we have made per capita payments, but the Indian Commissioner and the Secretary of the Interior think it best not to make any more per capita payments, because in that event they pay it to the Indians who do not need it, as well as to the Indians who do need it. This bill gives the Secretary of the Interior the broadest discretion; he can use the money when needed and withhold it when he thinks best, and thereby bring about industry, where he thinks they do not need it.

When I returned from home a short time ago the local Indian agent, Mr. Steeker, came here to help present this matter to the Indian Committee, so urgent was the demand for this legislation. The Commissioner of Indian Affairs also helped present it to the committee, and there was not a solitary objection on the part of any member of the committee. I think all recognized the emergency.

Mr. MANN. How much money have they in the Treasury?

Mr. FERRIS. They have $2,600,000 that this bill does not apply to, and they have something more than a million that it does apply to.

Mr. MANN. One million four hundred thousand dollars.

Mr. FERRIS. Yes.

Mr. MANN. That is a little more than a million. He is to take this money and deposit it in the local banks of Oklahoma.

Mr. FERRIS. If he is so disposed.

Mr. MANN. Are the banks pretty hard up now?

Mr. FERRIS. I will be entirely frank with the gentleman. We have had a severe drought there this year, and the Indians have not been able to make all of their payments. The Indians are in dire need of their own money. It is not the fault of the Indian agent, and the Secretary thinks that it is not wise to have the Indians pay 18 and 20 per cent for money down there when they have money in the Treasury that is only drawing 4 per cent.

The banks there with the money on deposit, the agent states, will let it to the highest bidder, and he tells me he can get 5 or 6 per cent from the banks for all the money that they think best to take down there.

Mr. KENDALL. What is the legal rate of interest?

Mr. FERRIS. Ten per cent.

Mr. CANNON. If the gentleman will allow me, as I understand, this money is to be deposited in the banks without the customary security.

Mr. FERRIS. Oh, no. If the gentleman will permit me, it is left within the discretion of the department whether or not it will deposit it at all. It is also discretionary as to what banks will be employed. The custom is with inherited money on deposit that they take a surety-company bond from the bank in each case.

Mr. CANNON. The gentleman is aware that where public funds are deposited in depository banks, which are only national banks, that there must be bonds of the United States deposited as security, dollar for dollar. Now, if this legislation should be enacted and there should be a failure on the part of the bank, the Government would be in honor bound, of course, to make the amount good. It seems to me that if this legislation is to pass, the Government should be required to take a proper security.

Mr. FERRIS. If the gentleman from Illinois will permit me, the bill gives the Interior Department both the designation of depository and likewise in the manner of deposit the broadest discretion.

Mr. CANNON. The gentleman would not be in favor of amending the law as it now is touching all public funds deposited in depository banks?

Mr. FERRIS. And this does not do that. It leaves the discretion with the department to exact any such security as it likes.

Mr. CANNON. But the department has no such discretion.

Mr. FERRIS. I think the gentleman will agree with me that as to Indian funds the usual custom, North, South, East, and West, is to require a bond, and they will do the same in this case.

Mr. CANNON. Oh, it is not a bond of a security company, it is not a personal bond; but it must be a Government bond or some bond that is authorized by law, and the only ones authorized by law are the Panama bonds, the Philippine bonds, and the Porto Rico bonds.

Mr. FERRIS. There is nothing in this bill to prevent them from requiring even Government bonds.

Mr. CANNON. But there is something to prevent the deposit in a Government depositary under the law.

Mr. FERRIS. The department, as the gentleman from Illinois well knows, is handling Indian moneys constantly and in numerous States of the Union, and I never have heard of any losses of those funds. I am perfectly willing to have the department have the very widest range and designate any place they want, and this bill does that.

Mr. CANNON. Precisely; on the deposit of the customary security.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from Oklahoma yield to me for a moment?

Mr. FERRIS. Certainly.

Mr. BURKE of South Dakota. Mr. Chairman, this is a different proposition from the deposit of public moneys in designated depositaries. This is simply taking from the Treasury money that belongs to the Indians. It is their money. This bill simply authorizes the withdrawing of the money from the Treasury and depositing it in banks in Oklahoma. The rule of the department—and I may say that they have a fixed rule and refuse to depart from it—is that they will only deposit such moneys in national banks. They absolutely refuse now to deposit more money in a bank than the amount of the capital and surplus of the bank. They require of these depositaries a surety-company bond covering the amount of the deposit; and I may say up in the Northwest there are on deposit very large sums of money—between one and two millions of dollars—in banks, belonging to Indians, that are deposited there under the regulations that will apply if this bill becomes a law.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. Is this bill to help the Indians out of a temporary situation or is it to help the banks of Oklahoma?

Mr. BURKE of South Dakota. Mr. Speaker, I am inclined to think that I would answer that question by saying that it is to help the conditions generally in Oklahoma—the Indians and the banks and the people that have exhausted their credit there. These people that are in Oklahoma, the white people, bought these lands, as the gentleman knows, at a very high price—something like $10 or $11 an acre, as I remember.

Mr. FITZGERALD. Oh, they got the land cheap enough, I guess.

Mr. BURKE of South Dakota. And those people that are there are entitled to some consideration.

Mr. FITZGERALD. They are not entitled to have the Government of the United States, if this be the object of this bill, take trust funds of the Indians and put them in banks to help the banks out of a predicament.

Mr. BURKE of South Dakota. Well, it helps the Indians.

Mr. FITZGERALD. No; it does not. If the Indians need the money, they should pay the money to the Indians, but this bill appears to be designed to help the banks. Why should the Indian money be deposited in the banks in Oklahoma any more than it should be in the banks of New York?

Mr. BURKE of South Dakota. Mr. Speaker, I would answer that question by saying this, that I believe these moneys should be deposited in these newer sections of the country, in the locality from which the money comes.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. I yield.

Mr. MANN. I understood the gentleman from South Dakota to say that the practice of the department was to deposit money where they had it in national banks.

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Why, then, it is proposed in this bill to depart from this practice?

Mr. FERRIS. There is no disposition to depart from that practice.

Mr. MANN. Then what does this mean—

And deposit the same in said banks of Oklahoma nearest to home of said Indians as he may select.

Mr. FERRIS. Well, I will say to the gentleman that our towns have both national banks and State banks and——

Mr. MANN. Are all towns nearest the home of the Indians?

Mr. FERRIS. I think that is true, but that is left absolutely to the Secretary of the Interior to select these banks.

Mr. MANN. But there is no discretion; he must select the banks "nearest the homes of said Indians." What does that mean?

Mr. FERRIS. If I may be permitted——

Mr. MANN. I am the one to be permitted.

Mr. FERRIS. The Secretary of the Interior has the widest discretion in the selection of the bank. Furthermore, the Interior Department has a rule fixing upon national banks——

Mr. MANN. Not under this law.

Mr. FERRIS. That is the general law of the department, and it is in vogue in South Dakota and Idaho and all the Indian States.

Mr. MANN. But not under a law that directs that it be deposited in the bank "nearest the home of the Indians."

Mr. FERRIS. I have no pride about that.

Mr. BURKE of South Dakota. Mr. Speaker, the present law provides money may be deposited in banks other than national banks, and the department has taken the position it will not deposit in banks except national banks; but I will say it has had several Cabinet considerations and the matter was considered for a period of two or three months last winter as to whether or not they would designate any banks other than national banks, notwithstanding the law gave the department discretion to deposit this money in State banks. This bill does not give the department the discretion.

Mr. MANN. It is making it obligatory upon them if they deposit it at all.

Mr. STEPHENS of Texas. The gentleman has not read that part of the bill which says it shall be under the rules and regulations of the Secretary of the Interior.

Mr. MANN. I can understand English when I read it.

Mr. STEPHENS of Texas. The gentleman did not understand that.

Mr. MANN. I have read it and I understand it.

Mr. FERRIS. If I may be permitted, I have no pride whatever in the language and I am perfectly willing to have the language changed so it will meet the objection of the gentleman. It is left entirely in the department to make the rule they want. It was money gathered out of the homesteaders who lived in the locality of these seven or eight counties, and the thought was it ought to be returned to where it came from in the interest of the Indians.

Mr. MANN. This bill proposes and directs or gives authority to transfer this $1,400,000 into the banks of Oklahoma.

Mr. FERRIS. It does not say that at all; it gives permission if they want to do that.

Mr. MANN. It gives authority to do it. What is the distinction between that and what the gentleman has said?

Mr. FERRIS. Perhaps none, but that is what it does.

Mr. MANN. It does not require that the money shall be furnished for the Indians this year——

Mr. FERRIS. Oh, no.

Mr. MANN. And it may remain in these banks for years.

Mr. FERRIS. True enough.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. I have not the floor. The last time I talked to the gentleman he accused me of making a misstatement. I will be glad to yield to have him correct it.

Mr. STEPHENS of Texas. It is considered a matter of justice that the money should be returned to the locality of the people who pay it. It is thought that the money should be left in the country where it is collected. This is western-country money, and I think it is unjust to send the money of the western and southern country to the great banks of the East. I think it should be kept in the same country where the money was collected from the people there, that they may have the use of it out there.

Mr. MANN. Well, we would like to have the money which is collected at Chicago put in the Chicago banks, and in Kansas City they would like to have the money put in the Kansas City banks. All over the country they would like to have it kept at home. But does the gentleman think he can pass by unanimous consent a bill that absolutely changes the fiscal policy of the Government as to its money?

Mr. FERRIS. I hope the gentleman will recognize the fact that these moneys are the moneys of the Indians, that were derived from the sale of their own lands to the homesteaders, who purchased it on the plan of the highest bidder in that immediate locality. And it is not the proposition to make a great big payment to the Indians and let them squander the money. It is merely a proposition to give the Indian agent and the Department of the Interior a chance to use such part of the funds as they need to keep down suffering among the Indians.

Mr. MANN. To that I do not object. What I object to is giving authority to deposit this money in the local banks of Oklahoma for the purpose of leaving it there for years in order to get a high rate of interest, when it is not secured properly—no security required at all.

Mr. FERRIS. The gentleman does not recognize the fact, I believe, that when he makes that statement the department in each case has security, and good security. They do that now with the funds in the Dakotas and elsewhere.

Mr. MANN. This law would not require them to do it.

Mr. CARTER. I would like to make a suggestion to the gentleman from Illinois. Would the inserting of the word "national," in line 8, page 1, after the word "such," meet his objection?

Mr. MANN. I would say to the gentleman I would have no objection to depositing the money in the banks there temporarily, but here is a proposition to take $1,400,000 out of the Treasury and deposit it in banks in Oklahoma on excuse that they need the money to pay the Indians now, with no statement as to how much is needed to pay to the Indians, and to leave it in the banks indefinitely.

Mr. CARTER. I was trying to meet one objection at a time. The gentleman said the law should not be changed in reference to the depositing of money in national banks, and I would like to know if the amendment I suggested would meet that objection.

Mr. MANN. I will say to the gentleman I did not make that objection. I have no objection to depositing in State banks if the money is properly secured. I do not believe in the Government taking the security which the State banks of Oklahoma now offer, when, if one of them fails, the other will put up the stuff.

Mr. FERRIS. Will the gentleman right on that line permit me to say that I hope he will not divert the question? I know the gentleman's views very well. He is displeased with our banking experiment.

Mr. MANN. I am glad you are making a foolish experiment for the benefit of mankind.

Mr. DAVENPORT. We are very well satisfied with the experiment.

Mr. MANN. The gentleman forced it out of me.

Mr. FERRIS. Has the gentleman from Illinois [Mr. MANN] in his mind an amendment limiting it to national banks? The department so holds, anyway, and I have no objection to that. The law now holds that they can deposit in any bank.

Mr. MANN. Let it state how much money they need for the Indians this summer.

Mr. FERRIS. I will tell you why I am not here asking for a per capita payment of what they probably would need. It is because the department is venomously opposed to that. And from reading the letter of the department, likely the gentleman that expressed that belief fears that when you make a per capita payment the Indians get money they do not need, and some do not get enough. If you let them use the money for the benefit of the Indians, they will get what is necessary. I have no objection personally to a payment, but the department is departing from that just as far as they can. That country is all settled up. Every quarter section has a white man on it and a family. The Indian has not the broad prairies to roam over that he once had. He has not the Indian trader to extend credit to him that he once had. This is his money. The department remains in full control of it, and I do not believe there is any chance to lose a cent of the money, and the money is needed there for the benefit of the Indians in the worst way, as both the gentlemen and the department say.

Mr. MANN. Is the gentleman from Oklahoma who is now addressing the House in perfect accord with his colleague [Mr. CARTER] on the subject of per capita payments?

Mr. FERRIS. No; because a precisely different situation exists there. The Indians of the Five Civilized Tribes, whom Mr. CARTER represents, are intelligent, most of them, and good business men, and the same principle should not be applied to those Indians that should be applied to the blanket Indians out in my country, who have not yet reached full civilization, the word "Indian" being an extremely comprehensive term.

Mr. MANN. How much money do you need for the Indians at this time for this purpose? Does anybody know?

Mr. FERRIS. The agent and the department will use it just as it is needed.

Mr. MANN. Oh, the gentleman has more confidence in the Indian agent than I have been able to persuade myself to have.

Mr. JAMES. Will the gentleman from Oklahoma yield to me for a question?

The CHAIRMAN. Will the gentleman from Oklahoma yield to the gentleman from Kentucky?

Mr. FERRIS. I will.

Mr. JAMES. What interest is usually charged for this money that is placed on deposit?

Mr. FERRIS. The agent tells me he lets it out to the highest responsible bidder among the banks that are classified, and he gets between 5 and 6 per cent on it.

Mr. JAMES. Under this language, then, it means that the Secretary of the Interior shall let this money out to the highest bidders that are solvent, under such regulations as he may deem necessary to insure the safe return of the money?

Mr. FERRIS. Yes.

Mr. JAMES. This money is now getting 4 per cent, and you think it would get 5 or 6 per cent?

Mr. FERRIS. Yes. The Indian agent tells me he is getting that for his Indian deposits.

Mr. CANNON. If it is let out to the highest bidders among the banks and would yield as much as 6 per cent from the banks, what rate of interest would the banks have to charge when they loan the money to the poor people in the locality so as to reimburse themselves for this 6 per cent to be paid at a risk and a profit?

Mr. FERRIS. I am almost ashamed to tell you. It ranges from 10 to 24 per cent.

Mr. CANNON. From 10 to 24 per cent? Then this is really a proposition that the Government should take a trust fund and loan it to the highest-bidding bank, at a rate estimated to be 6 per cent, and then the bank, for from 10 to 24 per cent, loans it to the poor people, taking the risk, and so on, in the locality?

Mr. FERRIS. Undoubtedly. But the gentleman from Illinois will recognize the fact that these are checking accounts on which they are paying 6 per cent. If it became necessary for the Indian agent to go in and buy a team or build a house, he could go in and take the money out any day.

Mr. CANNON. But still the interest, while the money is in the bank, would be 6 per cent?

Mr. FERRIS. Between 5 per cent and 6 per cent.

Mr. CANNON. Yes; and if it should remain there long it would run from 10 to 24 per cent to the profit of the bank?

Mr. FERRIS. That is true.

Mr. CANNON. In the meantime the ultimate poor—we hear much about the ultimate consumers—would use the money, a trust fund for which the Government is responsible, for the profit that would come from an exorbitant rate of interest. Oh, that is a most extraordinary proposition, I will submit to the gentleman.

Mr. FERRIS. The gentleman will recognize that that is not the case of all deposits. They never draw as high on deposits that are secured.

Mr. JAMES. The gentleman speaks of this money that would be loaned at 5 and 6 per cent, and then the banks would charge from 10 to 20 per cent. How much money has the Federal Government on deposit in the various national banks in Oklahoma?

Mr. FERRIS. I am sorry to tell you I can not give you the figures.

Mr. JAMES. Is it not true that the Government does not get 1 per cent on its money that is on deposit?

Mr. FERRIS. I can not advise you on that.

Mr. JAMES. If that is true, the banks are getting the money of the Government. That, also, is a trust fund. In the one case it is the money of the people at large and in the other case it is the money of the Indians; and in the first case they are getting it at 1 per cent and loaning it out to the men who borrow at from 10 to 20 per cent. Therefore, referring to the statement of the gentleman from Illinois, I do not see any point in that at all.

Mr. CANNON. In reply to the suggestion that the gentleman from Kentucky makes, the Government of the United States has depository banks, and before they can become depository banks they must deposit Government bonds.

Mr. JAMES. If the gentleman will permit me, I will admit that first proposition at the very outset; but under the law that was passed when the gentleman from Illinois was Speaker that was not the case. That law later was amended.

Mr. CANNON. Not as to the regular depositories.

Mr. JAMES. The gentleman is mistaken in that.

Mr. CANNON. Let that be as it may, to-day the regular depository banks that deposit the securities designated by law do without compensation the business of the Government.

Mr. JAMES. Just a moment. In reply to the gentleman from Illinois, under the act recently passed, known as the Vreeland law, it was shown during the hearings before the Banking and Currency Committee that the Government, when depositing Government funds in the various national banks, did not require United States bonds as security for the deposit of that money, but accepted other bonds and securities.

Mr. CANNON. That was under panic conditions. At this time there is no depository bank—I think I speak advisedly—that receives and pays out Government money, and which might be called an assistant subtreasury, that does not deposit Government bonds with the Treasury.

Mr. JAMES. I think the gentleman from Illinois will find he is mistaken, if he will investigate.

Mr. CANNON. The gentleman from Massachusetts [Mr. WEEKS], who is sitting by me, informs me that I am correct. The gentleman from Massachusetts is not mistaken. He knows better than I do.

Mr. WEEKS. The fact about this matter which the gentleman from Kentucky [Mr. JAMES] and the gentleman from Illinois have referred to is this: At the time referred to by the gentleman from Illinois bonds other than Government bonds were received by the Treasury Department, because at that time the Treasury had so much surplus money on hand that it was impossible to get sufficient Government bonds to hold as security; but now, when the deposits of Government funds in the national banks are comparatively small, Government bonds are required as security.

Mr. JAMES. But the gentleman dodges the issue. The point I made was that the Government had deposited this Government money in national banks without requiring Government bonds as security, and the gentleman from Illinois [Mr. CANNON] disputed that. I say that the proof before the Banking and Currency Committee was that the statement I have made is true, and the gentleman from Massachusetts knows it, because he is a member of that committee.

Mr. WEEKS. I have explained in the statement I have just made that there were not sufficient Government bonds obtainable.

Mr. JAMES. Oh, I understand they said that bonds were so high that in some instances they could not afford to buy them. So the Secretary of the Treasury said, "Well, you have other securities here, and your bank is solvent. I will just deposit the money anyhow."

Mr. WEEKS. The gentleman from Kentucky will recall that the deposits in national banks at that time made by the Government amounted to about $200,000,000 and that the bonds held to secure circulation amounted to about $650,000,000, making a total of practically the entire outstanding Government indebtedness. It was impossible for the banks to get those bonds, because they were held by trustees and savings banks and trust companies. Therefore it was necessary, in order to obtain security at all for these deposits, to take other bonds than Government bonds.

Mr. JAMES. The gentleman knows that United States money to the amount of hundreds of thousands of dollars was deposited in the City National Bank of New York without the requirements of a deposit of Government bonds.

Mr. WEEKS. I know that; and it was deposited in other banks, too.

Mr. JAMES. Certainly.

Mr. WEEKS. And that is the explanation of it.

Mr. FERRIS. Mr. Speaker, I know the banking question is a very interesting one, but I do not want it to interfere with the interests of my constituents.

The SPEAKER. Gentlemen understand that all this talk is by unanimous consent.

Mr. FERRIS. I hope I may be permitted to yield to the gentleman from Oklahoma [Mr. MORGAN], and then to proceed for a moment, and then I will be through.

Mr. MORGAN. Is it not a fact that a large amount of Indian trust funds——

Mr. HEFLIN. I ask unanimous consent that all debate close within five minutes and that a vote be then had upon the bill.

The SPEAKER. There is no debate about it. This is by unanimous consent.

Mr. EDWARDS. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection to the request for unanimous consent.

Mr. FERRIS. I hope the gentleman will not do that. I think the House will agree that I have not consumed much time, that I have been very generous in yielding, and I only desire a moment more.

The SPEAKER. The question is, Is there objection to the request of the gentleman from Texas for unanimous consent to consider this bill in the House as in Committee of the Whole?

Mr. MANN. I object.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider this bill, H. R. 13002.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 81, noes 3.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

Mr. UNDERWOOD. Mr. Speaker, I ask the Speaker to count, as some Members have come in since the vote was taken.

The SPEAKER. It will take 195 Members. The Chair will count. [After counting.] One hundred and twenty Members are present—not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 87, noes 26.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to make a statement before I request tellers.

The SPEAKER. The only thing to be done is to announce the vote. The yeas are 87 and the nays are 26, and the motion is agreed to.

Accordingly (at 10 o'clock and 48 minutes p. m.) the House, under its previous order, adjourned until Monday, August 21, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting a deficiency estimate of an appropriation for maintenance and improvements in Yellowstone National Park (H. Doc. No. 111), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 155), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the resolution of the Senate (S. J. Res. 3) extending the operation of the act for the control and regulation of the waters of Niagara River for the preservation of Niagara Falls, and for other purposes, reported the same with amendment, accompanied by a report (No. 158), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4933) granting an increase of pension to Robert L. Chick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13530) granting a pension to Harvey O. Zerbe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINDBERGH: A bill (H. R. 13865) to establish a special national policy for conservation, development, and use of the natural resources of the Territory of Alaska, and to provide means therefor; to the Committee on the Territories.

By Mr. BLACKMON: A bill (H. R. 13866) to fix the time when the sentence of a party convicted of crime shall begin; to the Committee on the Judiciary.

By Mr. FOWLER: A bill (H. R. 13867) for the erection of a Federal building for the United States at Harrisburg, Ill., and appropriating $50,000 for said purpose; to the Committee on Public Buildings and Grounds.

By Mr. HEALD: A bill (H. R. 13868) to authorize and provide for the investigation and survey of swamp, wet, and overflowed lands in Delaware and that portion of Maryland and Virginia lying east of the Chesapeake Bay susceptible of drainage, and to devise plans and systems therefor; to the Committee on Agriculture.

By Mr. CARLIN (by request): A bill (H. R. 13869) to further amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works"; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 13870) to amend the present homestead law; to the Committee on the Public Lands.

By Mr. CAMERON: A bill (H. R. 13871) authorizing the Secretary of the Interior to set aside as a public park for the city of Phoenix, Maricopa County, Ariz., certain vacant public lands situate in the said Maricopa County; to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 13872) providing for site and public building at Waynesboro, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KINDRED: A bill (H. R. 13873) for the survey of Newtown Creek, N. Y., with a view to the improvement of its navigation; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13874) for the further improvement of Newtown Creek, N. Y.; to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 13875) to amend section 4 of the act entitled "An act to regulate commerce, approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. SHARP: A bill (H. R. 13876) to amend section 4884 of the Revised Statutes, relating to patents; to the Committee on Patents.

By Mr. FOSTER of Illinois: A bill (H. R. 13877) authorizing the Secretary of War to deliver two mounted bronze cannon on carriages to Ell Bowyer Post, No. 92, Grand Army of the Republic, Olney, Ill.; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 13878) to provide for the establishment of grand military divisions and departments in the United States, exclusive of the outlying possessions beyond the seas; to the Committee on Military Affairs.

By Mr. GEORGE: Resolution (H. Res. 291) to print 100 copies of laws of the District of Columbia; to the Committee on Printing.

By Mr. CULLOP: Resolution (H. Res. 292) to authorize the Clerk of the House to pay the executors of the estate of Daniel B. Webster a sum equal to six months' salary and a sum not to exceed $250 for funeral expenses; to the Committee on Accounts.

By Mr. SABATH: Resolution (H. Res. 294) directing the Postmaster General and the Secretary of the Treasury to furnish certain information; to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: Joint resolution (H. J. Res. 157) authorizing the President to cause a survey or surveys to be made to ascertain and determine the most practicable and feasible route for a railroad between certain points in Alaska, and for other purposes; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 13879) granting an increase of pension to Andrew Yuenger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13880) granting an increase of pension to Charles Gunther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13881) granting an increase of pension to Edward Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13882) granting an increase of pension to Ernest Heidenreiter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13883) granting an increase of pension to William B. Barrager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13884) granting an increase of pension to Andrew Dye; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 13885) granting an increase of pension to Frederick A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13886) granting an increase of pension to James Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13887) granting an increase of pension to Ella M. Morrow; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 13888) granting an increase of pension to James H. Fountain; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 13889) granting an increase of pension to Patrick Conner, jr.; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13890) granting an increase of pension to Isaac Washington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13891) granting an increase of pension to John Backoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13892) granting an increase of pension to Benjamin Brinley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13893) granting an increase of pension to Augustine Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13894) granting an increase of pension to Marshal Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13895) granting an increase of pension to Lon Doniphin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13896) granting an increase of pension to Aron Teegarden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13897) granting an increase of pension to William Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13898) granting an increase of pension to Job Washington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13899) granting an increase of pension to Elijah Combs; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 13900) granting an increase of pension to Oliver C. Jones; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 13901) granting an increase of pension to William J. Thompson; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 13902) granting an increase of pension to John A. Jones; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 13903) granting an increase of pension to Cyrus Tschupp; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 13904) for the relief of Paul Butler; to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13905) granting an increase of pension to Delia E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13906) granting an increase of pension to O. J. Wells; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13907) granting an increase of pension to Mary C. Shepord; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 13908) granting a pension to John Sinco; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE of Wisconsin: Papers in support of House bills granting increases of pensions to William B. Barrager, Ernest Heidenreiter, Edward Henry, and Andrew Yuenger; to the Committee on Invalid Pensions.

By Mr. GRAY: Papers to accompany House bills 8532, 8535, and 11259; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8544; to the Committee on Military Affairs.

By Mr. THOMAS: Petitions of sundry citizens of Bowling Green and Glasgow, Ky., protesting against the passage of a parcels-post law; to the Committee on the Post Office and Post Roads.